WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

| ORGANIZATION NAME | AMOUNT |
|-------------------|----------|
| Camp Chambers | \$5,000 |
| Golden Institute | \$15,000 |
| Bevo Boys Fitness | \$2,500 |
| TOTAL | \$22,500 |

| Sponsor: | Chair: |
|--------------|-----------------|
| Rhonda Logan | Martavius Jones |

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

| ORGANIZATION NAME | AMOUNT |
|-------------------------|---------|
| Urban Promise 901 | \$2,600 |
| Novick Cardiac Alliance | \$2,600 |
| TOTAL | \$5,200 |

Sponsor:

Patrice J. Robinson

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

| ORGANIZATION NAME | AMOUNT |
|--|---------|
| Methodist LeBonheur Community Outreach | \$2,000 |
| OUTMemphis | \$2,000 |
| Indie Memphis | \$2,000 |
| TOTAL | \$6,000 |

Sponsor: JB Smiley, Jr.

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's GrantsProgram with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

| ORGANIZATION NAME | AMOUNT |
|-------------------|-------------|
| April 4th | \$ 3,236.70 |
| Black Seeds | 3,000.00 |
| Alcy Ball | 3,000.00 |
| | |
| TOTAL | \$ 9,236.70 |

Sponsor: Councilwoman Cheyenne Johnson

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

| ORGANIZATION NAME | AMOUNT |
|-------------------------|----------|
| Urban Promise 901 | \$5,000 |
| Novick Cardiac Alliance | \$5,000 |
| TOTAL | \$10,000 |

Sponsor: Ford Canale

Resolution to Amend Council FY23 Grant Allocations

WHEREAS, the FY 23 Operating Budget included \$3.25 million in funding for the Council's Grants Program with an equal apportionment to the thirteen (13) members in the amount of \$250,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 23 \$250,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

| ORGANIZATION NAME | AMOUNT |
|-------------------|-------------|
| | |
| Urban Promise 901 | \$ 3,000.00 |
| | |
| | |
| | |
| Total | \$ 3,000.00 |

Sponsor: Teri Dockery Chair Jones

| ORDINANCE NO. | |
|---------------|--|
| | |

ORDINANCE FOR DESIGNATION OF QUALIFIED PUBLIC USE FACILITY, CREATION OF THE CONVENTION CENTER HOTEL TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, the Sheraton Memphis Downtown Hotel is the largest hotel in the City of Memphis, and is physically connected to the City's Renasant Convention Center;

WHEREAS, Memphis Center City Revenue Finance Corporation ("<u>CCRFC</u>") is the fee owner of certain real property located at and adjacent to 250 North Main Street, Memphis, Tennessee 38103 (current tax parcel nos. 001030 00001L, 001030 00001Z, 001029 00004, 001029 00005, 001030 00002, and 001030 00003) (collectively, the "<u>Hotel Site</u>");

WHEREAS, the Sheraton Memphis Downtown Hotel is located on the Hotel Site and currently includes 600 hotel rooms, more than 16,000 square feet of meeting and function space, parking, commercial space, ancillary dining and related amenities, and ancillary ground-level retail (the "Convention Center Hotel," and together with the Hotel Site, the "Hotel Development");

WHEREAS, CCRFC and the City of Memphis (the "City") are the lessor and lessee, respectively, under that certain Amended and Restated Lease Agreement dated as of April 14, 1998, and joined in by the predecessor-in-interest of Hotel Memphis, L.P. ("Hotel Developer") as applicant, as affected by Assignment and Assumption of Interest in Lease dated as of September 30, 2011 by and between the County of Shelby, Tennessee, as assignor, and the City, as assignee, joined in by CCRFC and Hotel Developer's predecessor-in-interest, as amended by First Amendment to Lease Agreement dated November 9, 2012 by and among CCRFC, the City, and Hotel Developer's predecessor-in-interest, as further amended by Second Amendment to Lease Agreement dated as of April 19, 2017 by and among CCRFC, the City, and Hotel Developer's predecessor-in-interest (the aforementioned documents being collectively referred to herein as the "PILOT Lease");

WHEREAS, the City, as landlord, and Hotel Developer, as tenant, are the present parties in interest to that certain Amended and Restated Agreement of Lease, dated as of April 14, 1998, between the City and Hotel Developer's predecessor-in-interest, as affected by Assignment and Assumption of Interest in Sublease dated as of September 30, 2011 by and between the County of Shelby, Tennessee, as assignor, and the City, as assignee, as amended by that certain First Amendment to Amended and Restated Agreement of Lease, dated as of November 9, 2012, as further affected by Letter Agreement between the City and Hotel Developer dated May 14, 2013, and as further amended by that certain Second Amendment to Amended and Restated Agreement of Lease, dated as of April 19, 2017 (the aforementioned documents being collective referred to herein as the "Sublease");

WHEREAS, the City and Hotel Developer have agreed to terminate the Sublease pursuant to a lease termination agreement pursuant to which Hotel Developer will give possession of its interest under the Sublease to the City and the City will accept possession of such interest;

WHEREAS, the City has agreed, pursuant to that certain Resolution of the Memphis City Council dated as of March 3, 2020, to assign to Hotel Developer all of its right, title and interest in, to and under the PILOT Lease and CCRFC has consented to the assignment of the City's right, title and interest in, to and under the PILOT Lease to Hotel Developer;

WHEREAS, the original portion of the Convention Center Hotel was built in 1985 and the additional tower with 207 rooms was constructed in 2004;

WHEREAS, Hotel Developer is considering a renovation of the Convention Center Hotel (the "Renovation") with capital investment (real property and tangible personal property) totaling approximately \$86 million, plus an additional \$37 million over the next thirty (30) years for future refreshes of guestrooms and public spaces, for a total Renovation cost of approximately \$123 million;

WHEREAS, Hotel Developer also is considering, based on certain market conditions, the potential construction of 300 additional rooms to the Convention Center Hotel (the "Expansion" and, together with the Renovation, the "Project") with capital investment (real property and tangible personal property) totaling approximately \$103 million, for potential total Project cost of approximately \$226 million;

WHEREAS, the Local Tourism Development Zone Business Tax Act, Tenn. Code Ann. §§ 67-4-3001 *et seq.* ("Surcharge Act") authorizes the City of Memphis to designate as a "Qualified Public Use Facility" a full-service hotel with not less than two hundred fifty (250) rooms and related retail, commercial, and parking space that is located in the portion of Downtown Memphis designated as a tourism development zone ("Downtown TDZ") pursuant to the Convention Center and Tourism Development Financing Act of 1998, which is codified at Tenn. Code Ann. §§ 7-88-101 *et seq.*;

WHEREAS, the Surcharge Act authorizes the City of Memphis to levy a privilege tax ("<u>Tourism Surcharge</u>") on the sale of certain goods and services within such Qualified Public Use Facility and other related facilities, and to assign (or cause to be assigned) to CCRFC the revenues from such Tourism Surcharge that are paid, remitted or otherwise transferred to the City or City Treasurer to pay or reimburse costs incurred, or to pay debt service on indebtedness incurred to finance or refinance costs, in connection with the acquisition, construction, renovation, and equipping of such Qualified Public Use Facility and other related facilities;

WHEREAS, the Hotel Development is located in the Downtown TDZ and include a full-service hotel of more than two hundred fifty (250) rooms and related retail, commercial, and parking spaces;

WHEREAS, the City of Memphis administration finds that it is wise, necessary and advisable to designate the Hotel Development, including the Convention Center Hotel as a Qualified Public Use Facility pursuant to and in accordance with the Surcharge Act;

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to seek authorization from this Council to levy a Tourism Surcharge of five percent (5%) of the Sales Price (as defined in the Surcharge Act) on Sales (as defined in the Surcharge Act) made by engaging in any Business (as defined in the Surcharge Act) in or upon the Hotel Development (the "Convention Center Hotel Surcharge");

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to assign revenues generated from the Convention Center Hotel Surcharge ("Convention Center Hotel Surcharge Revenues") to CCRFC to pay or reimburse costs incurred, or to pay debt service on indebtedness incurred to finance or refinance costs, in connection with the Renovation and potential Expansion of the Convention Center Hotel at the Hotel Site and the Expansion Site;

WHEREAS, to enact the Convention Center Hotel Surcharge, the City of Memphis administration has proposed the ordinance set forth below ("<u>Tourism Surcharge Ordinance</u>"); and

WHEREAS, the City of Memphis administration desires that this Council (i) approve the Tourism Surcharge Ordinance, and (ii) otherwise provide with respect to the foregoing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Memphis as follows:

1. Sec. ___-1. Designation as Qualified Public Use Facility

The Hotel Development is hereby designated as a qualified public use facility (collectively, the "Convention Center Hotel QPUF") pursuant to and in accordance with Tenn. Code Ann. title 67, chapter 4, part 30 (as amended from time to time, hereinafter in this chapter called the "Act").

Sec. - -2. Creation of District

There is created the Convention Center Hotel Surcharge District (the "<u>District</u>") in accordance with the Act.

Sec. - -3. District Boundaries

The District created by this chapter shall be comprised of the area located in the City within the following boundaries:

Parcel 1 (Hotel Site):

Legal Description of Land

Land situated in Shelby County, Tennessee:

Parcel 1

Tract I

Being a survey of part of the City of Memphis property as recorded in Instrument U2-8944 at the Shelby County Register's Office located in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point on the east line of North Main Street (82.5 ft. right-of-way), said point being 24.98 feet south of the extended south line of Market Avenue (66 ft. right-of-way); thence northwardly along a curve to the right having a radius of 25.00 feet an arc distance of 39.25 feet (chord N65°34'21"E - 35.34 feet) to a point of tangency on the south line of Market Avenue; thence S69°27'10"E along said south line a distance of 274.11 feet to a point of curvature; thence along a curve to the right, having a radius of 25.00 feet an arc distance of 39.22 feet (chord S24°26'09"E - 35.37 feet) to a point of tangency on the west line of Second Avenue (66 ft. right-of-way); thence S20°34'53"W along the west line of Second Avenue a distance of 225.51 feet to a point of curvature; thence along a curve to the right having a radius of 25.00 feet and an arc length of 39.26 feet (chord S65°34'09"W - 35.35 feet) to a point on the north line of Exchange Avenue (106 ft. right-of-way); thence N69°26'36"W along the north line of Exchange Avenue a distance of 249.19 feet to a point; thence N20°35'53"E a distance of 80.00 feet to a point; thence N69°26'36"W a distance of 50.00 feet to a point on the east line of said North Main Street; thence N20°35'53"E along the east line of North Main Street a distance of 170.48 feet to the point of beginning.

Tract II

Pedestrian Crossing Easement

Being a Pedestrian Crossing across North Main Street (82.5 foot right-of-way), being 77.87 feet south of the south line of Market Avenue (66 foot right-of-way) and being more particularly described as follows:

Commencing at the intersection of the south line of Market Street (66 foot right-of-way) and the east line of north Main Street (82.5 foot right-of-way); thence \$20°35'53"W along the east line of North main Street, a distance of 77.87 feet to the Point of Beginning; thence \$20°35'53"W and continuing along the east line of North Main Street, a distance of 29.50 feet to a point; thence \$N68°56'18"W, a distance of 7.52 feet to a point; thence \$S64°53'15"W, a distance of 14.76 feet to a point; thence \$N69°15'23"W, a distance of 45.23 feet to a point; thence \$N25°15'16"W a distance of 14.45 feet to a point; thence \$N69°57'42"W a distance of 9.08 feet to a point, said point being the west line of North Main Street; thence \$N20°35'53"E along the west line of North Main Street

a distance of 29.85 feet to a point; thence S70°35'14"E a distance of 9.44 feet to a point; thence N65°29'33"E a distance of 35.04 feet to a point; thence S69°37'14"E a distance of 15.52 feet to a point; thence S24°36'03"E a distance of 35.60 feet to a point; thence S69°56'31"E a distance of 7.55 feet to the point of beginning.

The underside and top of the structure occupying the described area is at 13.9' and 35.8' above the finish floor of the hotel at the west entrance.

Parcel 2

Tract I

Beginning at a point on the east line of north Main Street (82.5' right-of-way), said point being 25.02 feet north of the extended north line of Market Avenue (66' right-of-way); thence N 20°35'53"E along the east line of North Main Street a distance of 174.14 feet to point; thence N61°18'21"E a distance of 20.58 feet to a point on the south line of Winchester Avenue (50' right-of-way); thence S89°38'57"E along the south line of Winchester Avenue a distance of 158.85 feet to a point; thence S20°34'56"W a distance of 269.59 feet to a point the north line of said Market Avenue; thence N69°27'10"W along the north line of Market Avenue a distance of 137.51 feet to a point of curvature; thence along a curve to the right having a radius of 25.00 feet and an arc length of 39.29 feet (chord N24°25'39"W - 35.37 feet) to the point of beginning.

Tract II

Beginning at a point on the east line of North Main Street (82.5' R.O.W.), said point being 24.98 feet south of the south line of Market Avenue (66' R.O.W.); thence along the east line of said North Main Street, N 20°35'53"E a distance of 116.00 feet to a point; thence leaving the east line of said North Main Street and along a curve to the left, having a radius of 25.00 feet and an arc length of 39.29 feet (chord = S 24°25'39"E - 35.37 feet) to a point, said point being on the north line of said Market Avenue; thence along the north line of said Market Avenue, S 69°27'10"E a distance of 274.17 feet to a point; thence along a curve to the left, having a radius of 25.00 feet and an arc length of 39.22 feet (Chord - N 65°36'11"E - 35.32 feet) to a point, said point being on the west line of Second Avenue (66' R.O.W.); thence along the west line of said Second Avenue, S20°37'38"W a distance of 115.97 feet to a point; thence leaving said Second Avenue and along a curve to the left, having a radius of 25.00 feet and an arc length of 39.28 feet (chord = N24°26'09"W - 35.37 feet) to a point, said point being on the south line of said Market Avenue; thence along the south line of said Market Avenue, N69°27'10"W a distance of 274.11 feet to a point; thence along a curve to the left, having a radius of 25.00 feet and an arc length of 39.25 feet (chord = S65°34'21"W a distance of 35.34 feet to the point of beginning.

| Municipal Address | Tax Parcel ID |
|---|---------------|
| 250 North Main Street, Memphis, Tennessee | 001030 00001L |
| 0 Market Avenue, Memphis, Tennessee | 001029 00004 |
| 0 Market Avenue, Memphis, Tennessee | 001029 00005 |
| 0 Market Avenue, Memphis, Tennessee | 001030 00002 |
| 0 Market Avenue, Memphis, Tennessee | 001030 00003 |
| Market Avenue, Memphis, Tennessee | 001030 00001Z |

Sec. __-__-4 Surcharge Assessment

The making of Sales (as such term is defined in the Act) by engaging in any Business (as such term is defined in the Act), except for those businesses exempt under Tenn. Code Ann. title 67, chapter 4, part 712, in the District is declared to be a privilege. All such Sales shall be subject to the surcharge assessment provided in this Chapter and the City hereby levies such surcharge on all Sales.

| Sec | 5 | Surcharge Assessment Rate | | |
|--|--|---|--|--|
| | The surcharge levied by this section shall be equal to five percent (5%) of the Sales Price (as such term is defined in the Act). | | | |
| Sec | 6 | Mandatory Registration, Filing of Returns, Payment of Surcharge and Licensing | | |
| and all pers City Treast so registere on account shall remit payments of appropriate | sons who may here arer for the purpo ed shall file a retu of such Sales on all surcharge co of surcharge, with amount of surcharge | on Business (as such term is defined by the Act) in the District, reafter carry on Business in the District, shall register with the use of assessment and collection of the surcharge. All persons rm detailing Sales for the prior month and surcharge collected or before the twentieth (20th) day of each calendar month and collected during such month, together with any delinquent in such return. Each person who files a return and remits the targe shall be granted a license which such person shall display tess. The City Treasurer is hereby authorized and directed to | | |

Sec. - -7 Delinquent Payments

regulations regarding the filing of the same.

Any nonpayment or delinquent payment of any surcharge shall be subject to the rights and remedies described in Chapter 5-24 of the Memphis City Code.

develop the forms for registration and filing monthly returns, as well as rules and

Sec. - -8 Allocation and Use of Revenues

All revenues received by the city as a result of the surcharge, except for the reasonable expenses of the City Treasurer incurred as a result of its administrative duties under this chapter which shall not exceed one percent (1%) of such revenues, shall be designated for, and allocated to the payment of the cost of Renovation and potential Expansion of the Convention Center Hotel QPUF, including, without limitation, all debt issued or incurred in the acquisition, construction, leasing, renovation and equipping of the Convention Center Hotel QPUF, including principal, interest and other fees and charges.

Sec. - -9 Remittance of Revenues

On or before the fifteenth (15th) day of each month, the City Treasurer shall remit all revenues received during the prior month, less the aforedescribed administrative fee, to CCRFC or its assignee. CCRFC, or its assignee, is hereby directed to deposit such revenues in accordance with the Act and any agreements governing the payment or reimbursement of costs incurred, or debt issued or incurred by CCRFC to finance or refinance costs, in connection with Renovation and potential Expansion of the Convention Center Hotel QPUF.

| Sec. | - | -10 | Termination | of S | urcharge |
|------|---|-----|-------------|------|----------|
| | | | | | |

The surcharge shall continue until terminated as provided in the Act.

- 1. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.
- 2. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this Ordinance.
- 3. This Ordinance shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

| Sponsor: | |
|----------|--|
| | |



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to accept and appropriate Assistance to Firefighters Grant (AFG) Program funds from the Department of Homeland Security Operations in the amount of \$1,090,909.09 to purchase four (4) ambulances.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
 Memphis Fire Services is the initiating party.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

All council districts and super district.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This request will not require a new contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

This project requires an expenditure of funds and a budget adjustment.

7. If applicable, please list the MWBE goal and any additional information needed There is no MWBE goal.

A resolution to accept, allocate and appropriate Assistance to Firefighters Grant (AFG) Program funds from the Department of Homeland Security Operations Safety in the amount of One Million Ninety Thousand Nine Hundred Nine Dollars and Nine Cents (\$1,090,909.09) to be used for the purchase of four (4) ambulances.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant fund in the amount of One Million Ninety Thousand Nine Hundred Nine Dollars and Nine Cents (\$1,090.909.09) from the Department of Homeland Security Operations Safety for purchase of four (4) ambulances with a City match in the amount of One Hundred Nine Thousand Ninety Dollars and Ninety-One Cents (\$109,090.91); and

WHEREAS, These funds will be used for the purchase of four (4) ambulances; and

WHEREAS, It is necessary to accept the grant funding and amend the FY23 Misc. Grant Budget to establish funds for the Assistance to Firefighters Grant (AFG) Program; and

WHEREAS, It is necessary to appropriate the fund in the amount of One Million Ninety Thousand Nine Hundred Nine Dollars and Nine Cents (\$1,090,909.09) for Fire Services; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Assistance to Firefighters Grant (AFG) Program funds in the amount of One Million Ninety Thousand Nine Hundred Nine Dollars and Nine Cents (\$1,090,909.09) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY23 Misc. Grant Budget be and is hereby amended by allocation and appropriating the Expenditures and Revenues for the Assistance to Firefighters Grant (AFG) Program as follows:

Revenue

Federal Grants

\$1,090,909.09

Expenses

Equipment

\$1,090,909.09



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to accept and appropriate Assistance to Firefighters Grant (AFG) Program funds from the Department of Homeland Security Operations in the amount of \$1,680,469.56 to be used for training and safety devices.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

 Memphis Fire Services is the initiating party.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

All council districts and super district.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This request will not require a new contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

This project requires an expenditure of funds and a budget adjustment.

7. If applicable, please list the MWBE goal and any additional information needed

There is no MWBE goal.

A resolution to accept, allocate and appropriate Assistance to Firefighters Grant (AFG) Program funds from the Department of Homeland Security Operations Safety in the amount of One Million Six Hundred Eighty Thousand Four Hundred Sixty-Nine Dollars and Fifty-Six Cents (\$1,680,469.56) to be used for training and safety devices.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant fund in the amount of One Million Six Hundred Eighty Thousand Four Hundred Sixty-Nine Dollars and Fifty-Six Cents (\$1,680,469.56) from the Department of Homeland Security Operations Safety for training and the purchase of safety devices with a City match in the amount of One Hundred Sixty-Eight Thousand Forty-Six Dollars and Ninety-Six Cents (\$168,046.96); and

WHEREAS, These funds will be used for community paramedic training, the purchase of mobile repeaters, hardware for instituting a 'dog-tag' system and the LUNAR device to institute a Personal Accountability System; and

WHEREAS, It is necessary to accept the grant funding and amend the FY23 Misc. Grant Budget to establish funds for the Assistance to Firefighters Grant (AFG) Program; and

WHEREAS, It is necessary to appropriate the fund in the amount of One Million Six Hundred Eighty Thousand Four Hundred Sixty-Nine Dollars and Fifty-Six Cents (\$1,680,469.56) for Fire Services; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Assistance to Firefighters Grant (AFG) Program funds in the amount of One Million Six Hundred Eighty Thousand Four Hundred Sixty-Nine Dollars and Fifty-Six Cents (\$1,680,469.56) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY23 Misc. Grant Budget be and is hereby amended by allocation and appropriating the Expenditures and Revenues for the Assistance to Firefighters Grant (AFG) Program as follows:

Revenue

Federal Grants \$1,680,469.56

Expenses

Full-Time Salaries \$ 133,787.75 Equipment \$1,546,681.81

Same Night Minutes Requested



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to transfer a portion of the City of Memphis Division of Police Services CIP Project PD02018, Violent Crimes Unit Renovation from Construction to Architecture and Engineering. The cost of the Architect was higher than originally predicted.

higher than originally predicted.
2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The Division of Police Services is the initiating party of this resolution.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

This will impact all districts.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

There resolution does not require a new contract, or amendments to existing contract(s).

6. State whether this requires an expenditure of funds/requires a budget amendment

The resolution does require an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

NA



RESOLUTION

WHEREAS, A Resolution to transfer a portion of the City of Memphis Division of Police Services CIP Project PD02018, Violent Crimes Unit Renovation from the Construction line to Architecture and Engineering (A&E) line based on the quote received; and

WHEREAS, the transfer of Seventeen Thousand Dollars and 00/100 (\$17,000.00) will be transferred from CIP Project PD02018 Construction line to A&E line;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring \$17,000.00 from PD02018, Construction to A&E funded by G.O. Bonds from Violent Crimes Unit Renovation, Project PD02018.

| Ordinance No. | |
|---------------|--|
| | |

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$1,000,000, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of Cityowned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$1,000,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification of such land, building, or facility without prior authorization of

the Memphis City Council if the cost associated therewith is in excess of one million (\$1,000,000) dollars.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Chairman: Martavius Jones



Memphis City Council Summary Sheet

| 1. | Description | of the Item | (Resolution, | Ordinance, | etc.) |
|----|-------------|-------------|--------------|------------|-------|
|----|-------------|-------------|--------------|------------|-------|

Resolution approving the 2023 Budget for the electric, gas, and water divisions of Memphis Light, Gas and Water for operating expenses and capital expenditures.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

 Memphis Light, Gas and Water Division
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.

 Not applicable.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.

Not applicable.

5. State whether this requires an expenditure of funds/requires a budget amendment.

Not applicable.



A resolution to approve the 2023 Electric, Gas and Water Operations and Capital Budget.

WHEREAS, the Board of Light, Gas and Water Commissioners has submitted a proposed budget for the Memphis Light, Gas and Water Division for operation and maintenance expenses for the calendar year 2023, and the capital expenditures for 2023; and

WHEREAS, the Board of Commissioners has approved said budget and submitted to the City Council with the recommendation of the Board for approval; and

WHEREAS, the Council has, through its MLGW Committee and other interested members of the Council, reviewed the budget and conducted hearings thereon; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the attached 2023 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures is approved.

EXCERPT

from MINUTES OF MEETING

of

BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS

held October 26, 2022

The Chief Utility Officer presented the proposed budgets for the Electric, Gas and Water Divisions for 2023 operating expenses and capital expenditures to the Board of Light, Gas and Water Commissioners. Such annual budgets have been prepared in compliance with Chapter 381 of the Private Acts of 1939, as amended, and include the applicable revenues, expenses and capital improvements for each system. These budgets have been reviewed by the Budget Review Committee and the applicable management staff, and copies have been provided to each member of the Board with opportunity given for each member to ask questions.

The Chief Utility Officer has recommended approval and adoption of the Budgets as presented by the Board of Light, Gas and Water Commissioners.

NOW THEREFORE BE IT RESOLVED BY THE Board of Light,
Gas and Water Commissioners:

(1) THAT, the Budgets for the Electric, Gas and Water Divisions for the 2023 operating expenses and capital expenditures, as presented by the Chief Utility Officer, be adopted and in effect for the fiscal year 2023, subject to the consent and approval of the Council of the City of Memphis.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -appeals meeting held on a which a quorum was present.

SVP, CFÖ & CAO Secretary - Treasurer



City Council Item Routing Sheet

| Division: MLGW | .GW Committee: MLGW Hearing Date: November 1, 2022 | | | | | |
|--|--|-----------------------|-----------|---------|---------------|--|
| Ordinance Budget Ame | - | Resolution Resolution | | | Grant Ad | cceptance Click here to enter text. |
| Item Description: Resolution Reso | | | | | gas, and wate | er divisions of Memphis |
| Recommended Council Ad | ction: Approval of Re | solution | | | | |
| Describe previous action taken and date of any action taken | | | | | | |
| Does this item require city | expenditure? No | Source | e and Amo | unt of | Funds: | |
| \$Click here to enter text. | | | | | | |
| \$Click here to enter text. | | | | | | |
| Approvals MLGW SVP, CFO & CAO/Sec | • | 0/26/22 | Chief O | nerati | ing Officer | |
| Division Chief | Date | | · · · | P-0.061 | | _ |
| D. days Manager | Date | | _ | | | Date |
| Chief Financial Officer | Date_ | | Council | Comr | mittee Chair | |
| City Attorney | Date_ | | | | | Date |



Memphis City Council Summary Sheet

| Description of the Item (Resolution | , Ordinance, etc.) |
|---|----------------------|
| Resolution appropriating funds for parks | s major maintenance. |

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
 Parks
- State whether this is a change to an existing ordinance or resolution, if applicable.
 N/A
- 4. State whether this will impact specific council districts or super districts.

Districts 6, 7, Super District 8.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

- 6. State whether this requires an expenditure of funds/requires a budget amendment Requires expenditure of 800,000 General Obligation Bonds.
- 7. If applicable, please list the MWBE goal and any additional information needed $\ensuremath{\mathsf{N/A}}$

Resolution appropriates funds for improvements and to address major maintenance issues at the Memphis River Parks Partnership parks.

WHEREAS, the Council of the City of Memphis did include GA-07003 Garage @ Poplar and Front Repairs for \$120,000, GA-07004 Gates for Wagner Parking Lot for \$30,000, GA-07005 Greenbelt Fencing @ Mud Island Dog Park for \$125,000, and GA-07006 Upgrade Canopy Lighting for \$525,000 as part of the Fiscal Year 2023 Capital Improvement Program; and

WHEREAS, the City of Memphis has entered into an agreement with the Memphis River Parks Partnership which provides for the procedures for the use and payment of the current and future Capital Appropriations; and

WHEREAS it is necessary to appropriate \$800,000.00, Contract Construction, funded by G.O. Bonds General, in Construction funds for Fiscal Year 2023 CIP Project Numbers GA-07003, GA-07004, GA-07005, GA-07006.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby allocated and appropriated the sum of \$800,000.00, **Contract Construction**, funded by G. O. Bonds General, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:

Garage @ Poplar and Front Repairs

Project Number:

GA-07003

Amount:

\$120,000.00 for Contract Construction

Project Title:

Gates for Wagner Parking Lot

Project Number:

GA-07004

Amount:

\$30,000.00 for Contract Construction

DocuSign Envelope ID: 73C0799E-5E5A-4092-9079-1AE7A98BF700 DocuSign Envelope ID: 6A8933E9-0A4A-4AB5-A056-739A48C7EEF3

Project Title:

Greenbelt Fencing @ Mud Island Dog Park

Project Number:

GA-07005

Amount:

\$125,000.00 for Contract Construction

Project Title:

Upgrade Canopy Lighting

Project Number:

GA-07006

Amount:

\$525,000.00 for Contract Construction



Memphis City Council Summary Sheet

| 1. Description of the item (Resolution, Ordinance, etc.) | |
|--|----|
| Memphis Parks Division requests a resolution to redline insurance settlement | nt |
| claim from operating budget to capital improvements projects budget | |

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
 Memphis Parks Division
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this will impact specific council districts or super districts.

Insurance settlement claim affected Frayser Raleigh Senior Center, which is located in District 7 and Super District 9

5. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

- 6. State whether this requires an expenditure of funds/requires a budget amendment N/A
- 7. If applicable, please list the MWBE goal and any additional information needed N/A

Resolution to redline FM Global insurance claim settlement in the amount of \$61,574.75 for Frayser Raleigh Senior Center from operating budget to capital improvement projects budget.

WHEREAS, FM Global insurance is the City of Memphis' property insurance carrier; and

WHEREAS, the City of Memphis, through its Division of Memphis Parks, operates the Frayser Raleigh Senior Center; and

WHEREAS, the Frayser Raleigh Senior Center received damage due to flooding during a winter storm in February 2021; and

WHEREAS, the Memphis Parks Division received an insurance settlement claim from FM Global in the amount of sixty-one thousand five hundred seventy-four and seventy-five cents (\$61,574.75) and

WHEREAS, the insurance settlement claim was deposited into the FY23 operating budget; and

WHEREAS, it is necessary to redline these funds from the operating budget into the capital improvement projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the resolution be approved for the redline of the FM Global insurance settlement claim from the FY23 operating budget to capital improvements projects budget, and

BE IT FURTHER RESOLVED that the insurance settlement in the amount of sixty-one thousand five hundred seventy-four and seventy-five cents (\$61,574.75) is transferred from the FY23 operating budget to the capital improvements projects budget.



Resolution to Transfer, Allocate and Appropriate Remaining CIP Funds

WHEREAS, the Council of the City of Memphis did allocate funds for various CIP projects in past fiscal years and as part of previous CIP budgets; and

WHEREAS, the Administration desires to transfer remaining funds from previous CIP projects and apply them to existing and current CIP projects as part of the Fiscal Year 2023 Capital Improvements Budget; and

WHEREAS, the Administration desires to add additional CIP funds to PK01036 Lester Community Center by transferring and appropriating funds of \$3,000,000.00 in Contract Construction from PK08017 Pink Palace Rehab to Fiscal Year 2023 CIP Project PK01036 Lester Community Center, Contract Construction; and

WHEREAS, the Administration desires to allocate and appropriate CIP funds of \$599,821.00 in Fiscal Year 2023 CIP Project Number PK08017 Pink Palace Rehab, contract construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK07118 HUD Resilience Grant by transferring and appropriating funds of \$55,000.00 in A/E from PK07092 City Park Rehab/Maintenance to Fiscal Year 2023 CIP Project PK07118 Rodney Baber Park Improvements, Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK07118 HUD
Resilience Grant by transferring and appropriating funds of \$971,203.00 in Contract
Construction from PK07092 City Park Rehab/Maintenance to Fiscal Year 2023 CIP Project
PK07118 Rodney Baber Park Improvements, Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK07118 HUD Resilience Grant by transferring and appropriating funds of \$100,000.00 in Fixtures Furniture and Equipment from PK07092 City Park Rehab/Maintenance to Fiscal Year 2023 CIP Project PK07118 Rodney Baber Park Improvements, Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK23103

Miscellaneous Park Improvements by transferring unencumbered appropriated funds of

\$25,635.00 in Contract Construction from CIP Project PK02004 Goodwill Homes Improvements
to Fiscal Year 2023 CIP Project PK23103 Miscellaneous Park Improvements, Contract

Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK23103

Miscellaneous Park Improvements by transferring unencumbered appropriated funds of

\$3,318.00 in Fixtures Furniture and Equipment from CIP Project PK02005 FFE for Senior

Centers to Fiscal Year 2023 CIP Project PK23103 Miscellaneous Park Improvements, Contract

Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK23103

Miscellaneous Park Improvements by transferring unencumbered appropriated funds of

\$9,435.00 in Contract Construction from CIP Project PK03006 FY20 Misc. Park Improvements
to Fiscal Year 2023 CIP Project PK23103 Miscellaneous Park Improvements, Contract

Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK23103

Miscellaneous Park Improvements by transferring unencumbered appropriated funds of
\$14,310.00 in Land Acquisition from CIP Project PK05006 FY20 Rodney Baber Park Land

Acquisition to Fiscal Year 2023 CIP Project PK23103 Miscellaneous Park Improvements,

Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK23103

Miscellaneous Park Improvements by transferring unencumbered appropriated funds of

\$37,475.00 in A/E from CIP Project PK18107 FY20 Park Services Design Fees to Fiscal Year

2023 CIP Project PK23103 Miscellaneous Park Improvements, Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK03004 Tennis

Major Maintenance by transferring unencumbered appropriated funds of \$39,547.00 in A/E from

CIP Project PK03001 Tennis Improvements to Fiscal Year 2023 CIP Project PK03004 Tennis

Major Maintenance, Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK08037

Lichterman Nature Center Major Maintenance by transferring unencumbered appropriated funds of \$24,757.00 in Fixtures Furniture and Equipment from CIP Project PK08035 WYPL Radio/TV Equipment to Fiscal Year 2023 CIP Project PK08037 Lichterman Nature Center Major Maintenance, Contract Construction; and

WHEREAS, the Administration desires to add additional CIP funds to PK08037

Lichterman Nature Center Major Maintenance by transferring unencumbered appropriated funds of \$25,000.00 in A/E from CIP Project PK08036 Brooks Museum Security Upgrade to Fiscal Year 2023 CIP Project PK08037 Lichterman Nature Center Major Maintenance, Contract Construction.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the allocation, appropriation and transfer of remaining CIP funds as detailed above to current Fiscal Year 2023 CIP Projects as indicated below, Contract Construction, funded by G.O. Bonds General.

Project Title: Lester Community Center

Project Number: PK01036

Appropriation \$3,000,000.00

Project Title: Pink Palace Rehabilitation

Project Number: PK08017

Appropriation \$599,821.00

Project Title: Rodney Baber Park Improvements

Project Number: PK07118

Appropriation \$1,126,203.00

Project Title: Miscellaneous Park Improvements

Project Number: PK23103

Appropriation \$90,173.00

Project Title: Tennis Major Maintenance

Project Number: PK03004

Appropriation \$39,547.00

Project Title: Lichterman Nature Center Major Maintenance

Project Number: PK08037

Appropriation \$68,300.00

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development ONE ORIGINAL **DIVISION** ONLY STAPLED | Planning & Zoning COMMITTEE: 10/18/2022 **|TO DOCUMENTS|** DATE **PUBLIC SESSION:** 10/18/2022 DATE ITEM (CHECK ONE) RESOLUTION X REQUEST FOR PUBLIC HEARING X ORDINANCE Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted ITEM CAPTION: on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at the northwest corner of North Second Street and Hickory Avenue. By taking the land out of the Commercial Mixed Use - 3 (CMU-3) and Employment (EMP) Use District and including it in the Residential Urban – 3 (RU-3) Use District, known as case number Z 22-007 CASE NUMBER: Z 22-007 Northwest corner of North Second Street and Hickory Avenue LOCATION: **COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3 Memphis and Shelby County Community Redevelopment Agency OWNER/APPLICANT: Cindy Reaves on behalf of SR Consulting, LLC REPRESENTATIVES: Rezoning of +/-1.26 acres from Commercial Mixed Use - 3 (CMU-3) and Employment (EMP) to Residential **REQUEST:** Urban - 3 (RU-3)The Division of Planning and Development recommended Approval RECOMMENDATION: The Land Use Control Board recommended Approval RECOMMENDED COUNCIL ACTION: Public Hearing Required Set date for first reading - October 18, 2022 Second reading - November 1, 2022 Third reading - November 15, 2022 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 09/08/2022 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER <u>POSITION</u> 22 principal planner DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

Z 22-007

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF NORTH SECOND STREET AND HICKORY AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE — 3 (CMU-3) AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN — 3 (RU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-007

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, September 8, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 22-007

LOCATION: Northwest corner of North Second Street and Hickory Avenue

COUNCIL DISTRICT(S): District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Memphis and Shelby County Community Redevelopment Agency

REPRESENTATIVE: Cindy Reaves on behalf of SR Consulting, LLC

REQUEST: Rezoning of +/-1.26 acres from Commercial Mixed Use – 3 (CMU-3)

and Employment (EMP) to Residential Urban – 3 (RU-3)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote of 9-0 on the consent agenda.

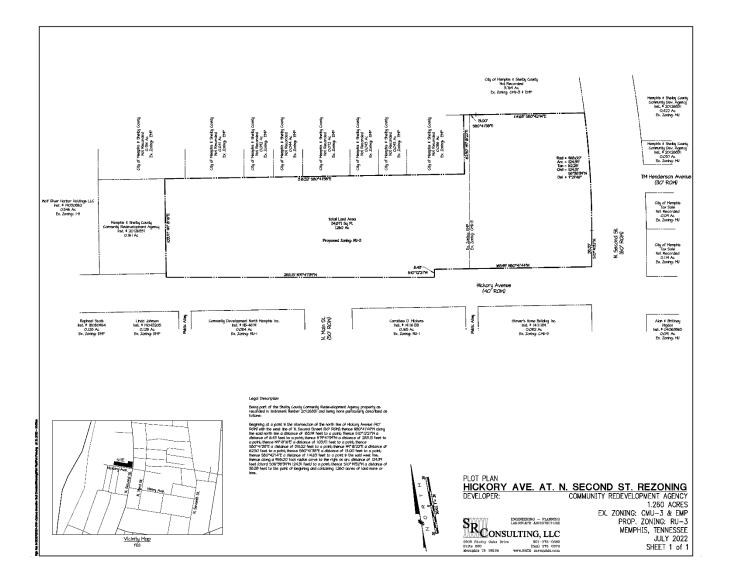
Respectfully,

Kendra Cobbs

Kendra Cobbs, AICP, CNU-A
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT NORTHWEST CORNER OF NORTH SECOND STREET AND HICKORY AVENUE BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE – 3 (CMU-3) AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-007

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 22-007**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE COMMERCIAL MIXED USE – 3 (CMU-3) AND EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PARCEL 14

0 NORTH SECOND -PARCEL ID # 022-001-00014

PART OF LOT 93, FREEMAN AND BRINKLEY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 131, AND BEING MORE PARTICULARLY DESCRIBED IN WARRANTY DEED AT 1988-405, AND FILED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED TO GRANTOR BY WARRANTY DEED AT BOOK 1988, PAGE 405 DATED JUNE 17, 1948 AND FILED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

WITH EXCEPTIONS TO TITLE- EASEMENT OF RECORD AT PLAT BOOK 3, PAGE 113, FILED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL 15

0 N SECOND, MEMPHIS, TN- TAX PARCEL ID: 022-001-00015

PART OF LOTS 90, 91,92 AND 93, OF FREEMAN & BRINKLEY SUBDIVISION, OF PART OF CHEEK AND PATE SUBDIVISION IN COUNTRY LOT 535 AS PER PLAT OF RECORD IN PLAT BOOK 2, PAGE 131, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CHISEL MARK CUT IN THE CONCRETE SIDEWALK IN THE INTERSECTION OF THE WEST LINE OF NORTH SECOND STREET WITH THE NORTH LINE OF HICKORY AVENUE, THENCE NORTHWARDLY WITH SAID WEST LINE OF NORTH SECOND STREET 162.5 FEET TO A CHISEL MARK CUT IN SAID CONCRETE SIDEWALK; THENCE WESTWARDLY PARALLEL WITH HICKORY AVENUE 120 FEET TO THE EAST LINE OF AN ALLEY; THENCE SOUTHWARDLY WITH SAID EAST LINE OF ALLEY 89.3 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL WITH HICKORY AVENUE 30.8 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL WITH NORTH SECOND STREET73.2 FEET TO A STAKE IN THE NORTH LINE OF HICKORY AVENUE; THENCE EASTWARDLY WITH NORTH LINE OF HICKORY AVENUE 89.2 FEET TO THE BEGINNING.

LESS AND EXCEPT THAT PART OF LOT 93 CONVEYED TO THE CITY OF MEMPHIS AND DESCRIBED IN WARRANTY DEED OF RECORD IN BOOK 1988, PAGE 405, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON AND BRITTNEY HIGDON, BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 0463868 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 16

0 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00016

PART OF LOTS 90 THROUGH 92, FREEMAN AND BRINKLEY'S SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 2, PAGE 131, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE IN THE NORTH LINE OF HICKORY AVENUE 89.2 FEET WESTWARDLY FROM THE WEST LINE OF NORTH SECOND STREET; THENCE WESTWARDLY WITH SAID NORTH LINE OF HICKORY AVENUE 30.8 FEET TO THE EAST LINE OF AN ALLEY; THENCE NORTHWARDLY WITH THE EAST LINE OF SAID ALLEY 73.2 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL WITH HICKORY AVENUE 30.8 FEET TO A STAKE; THENCE SOUTHWARDLY 73.2 FEET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON AND BRITTNEY HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 14005384 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 17

114 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00017

LOTS 94 AND 95, FREEMAN AND BRINKLEY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 131, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

LESS & EXCEPT THAT PART RETAINED BY THE CITY OF MEMPHIS & THE COUNTY OF SHELBY, AS SHOWN ON TAX MAP AS PARCEL NO. 022-001-00013.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON AND BRITTNEY HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 11036917 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 18

112 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00018

LOT 96 IN FREEMAN'S AND BRINKLEY'S SUBDIVISION, PART OF COUNTRY LOT 535, AS RECORDED MAY 12, 1891, IN PLAT BOOK 2, PAGE 131, HAVING A FRONTAGE OF30 FEET ON THE NORTH SIDE OF HICKORY (FORMERLY BRINKLEY) STREET, AND

EXTENDING BACK BETWEEN PARALLEL LINES 1621/2 FEET.

LESS AND EXCEPT: PART SOLD AT 2029-440 PART OF LOT 96, FREEMAN AND BRINKLEY SUBDIVISION, AS OF RECORD IN PLAT BOOK 2, PAGE 131, IN THE OFFICE OF THE REGISTER OF SHELBY COUNTY, TENNESSEE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT 96, SAID POINT BEING 100 FEET NORTH OF THE NORTH LINE OF HICKORY AVENUE; RUNNING THENCE NORTHWARDLY 62.5 FEET TO THE NORTH LINE OF LOT 96; THENCE WESTWARDLY 30 FEET TO THE WEST LINE OF LOT 96; THENCE SOUTHWARDLY 62.5 FEET; THENCE EASTWARDLY 30 FEET TO THE POINT OF BEGINNING. BEING A PART OF THAT PROPERTY DESCRIBED IN DEED OF RECORD IN BOOK 1982, PAGE 525, IN THE AFORESAID REGISTER'S OFFICE.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON OR BRITTNEY HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 11036918 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 19

0 HICKORY AVENUE- (PARCEL ID# 022-001-00019)

THE SOUTH 100 FEET OF LOT 97, FREEMAN AND BRINKLEY SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 2, PAGE 131, AND FILED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED TO GRANTOR BY TAX SALE #2, TRD 9413-3 DATED AUGUST 3, 1983 AS SHOWN IN THE CHANCERY COURT OF TENNESSEE FOR THE TENTH CHANCERY DIVISION AT MEMPHIS.

PARCEL 20

0 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00020

THE SOUTH 100 FEET OF LOT 98, FREEMAN AND BRINKLEY'S SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 2, PAGE 131, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH SIDE OF HICKORY AVENUE 253 FEET WEST OF NORTH SECOND STREET; RUNNING THENCE WESTWARDLY ALONG THE NORTH LINE OF HICKORY STREET 50 FEET TO A POINT; RUNNING THENCE NORTHWARDLY 100 FEET TO A POINT; RUNNING THENCE SOUTHWARDLY 100 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO ALAN HIGDON & BRITTNEY HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 14005383, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; EASEMENT OF RECORD AT BOOK 3178, PAGE 336 AND INSTRUMENT NO. CT 4870; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 21

SAID REPORT IS CONFIRMED IN ALL THINGS AS TO PARENT PARCEL 02200100000210, PARCEL NO(S).

02200100000210, PROPERTY LOCATION: 100 HICKORY.

LOT NO. S PT 99; ACRE(S): 0.0710

LOT SIZE: 31.0 X 1 00

LEGAL DESCRIPTION RECORDED IN THE SHELBY COUNTY REGISTER'S OFFICE:

W78337

FURTHER DESCRIBED AS:

THE SOUTH 110 FEET OF LOT 99, FREEMAN AND BRINKLEY'S SUBDIVISION OF 17 ACRES OF LOT 535, SAID LOT'S SOUTHEAST CORNER BEING LOCATED AT A POINT 290 FEET, MORE OR LESS, WEST OF SECOND STREET, FRONTING 31 FEET, MORE OR LESS, ON THE NORTH SIDE OF HICKORY AVENUE (FORMERLY KNOWN AS BRINKLEY STREET), AND RUNNING BACK NORTHWARDLY BETWEEN PARALLEL LINES 162 FEET, MORE OR LESS, AND BEING THE SAME PROPERTY AS THAT DESCRIBED IN DEED OF RECORD IN BOOK 4485, PAGE 22 7, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING THE SAME PROPERTY AS DESCRIBED IN INSTRUMENT NO. W7-833 7. THE ABOVE DESCRIPTION IS THE SAME AS FOUND IN PRIOR DEED OF RECORD AS A BOUNDARY LINE SURVEY WAS NOT DONE AT THE TIME OF THIS CONVEYANCE.

PARCEL 22

0 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00022

THE SOUTH 100 FEET OF LOT 100, AND THE SOUTH 100 FEET OF THE EAST 8 FEET OF LOT 101, FREEMAN AND BRINKLEY'S SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 2, PAGE 13 I, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF HICKORY STREET 334 FEET WEST OF THE WEST LINE OF NORTH SECOND STREET; SAID POINT BEING THE SOUTHEAST COMER OF LOT 100; RUNNING THENCE WEST ALONG THE NORTH LINE OF HICKORY STREET 39 FEET TO A POINT IN THE SOUTHEAST COMER OF THE PROPERTY CONVEYED BY DEED RECORDED IN BOOK 2781, PAGE 242 IN SAID REGISTER'S

OFFICE; RUNNING THENCE NORTHWARDLY 100 FEET TO A POINT; RUNNING THENCE EASTWARDLY 39 FEET TO A POINT; RUNNING THENCE SOUTHWARDLY 100 FEET TO A POINT IN THE NORTH LINE OF HICKORY STREET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON AND BRITTNEY HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 14005429 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL 23

0 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00023

THE EAST 2 FEET OF LOT 102, WEST 23 FEET OF LOT 101, FREEMAN AND BRINKLEY'S SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 2, PAGE 131, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY. AND BEING 25 FEET BY 100 FEET ON HICKORY.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON AND BRITTNEY HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 14005382 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; AND EASEMENT OF RECORD AT BOOK 2781, PAGE 242; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 24

0 HICKORY, MEMPHIS, TN- TAX PARCEL ID: 022-001-00024

THE WEST 29 FEET OF LOT 102, FREEMAN AND BRINKLEY SUBDIVISION, IN COUNTRY LOT 535 AS PER PLAT RECORDED IN PLAT BOOK 2, PAGE 131, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF HICKORY STREET 385 FEET WEST OF THE WEST LINE OF NORTH SECOND STREET; SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1 02; RUNNING THENCE WEST ALONG THE NORTH LINE OF HICKORY STREET 39 FEET TO A POINT IN THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED BY DEED RECORDED IN BOOK 2781, PAGE 242 IN SAID REGISTER'S OFFICE; RUNNING THENCE NORTHWARDLY 100 FEET TO A POINT; RUNNING THENCE EASTWARDLY 39 FEET TO A POINT; RUNNING THENCE SOUTHWARDLY 100 FEET TO A POINT IN THE NORTH LINE OF HICKORY STREET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PROPERTY CONVEYED TO ALAN HIGDON AND BRITTNEY

HIGDON BY QUIT CLAIM DEED OF RECORD AT INSTRUMENT NO. 14005381 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 2, PAGE 131; ALL IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; AND EXCEPT FOR 2021 SHELBY COUNTY TAXES AND 2021 MEMPHIS CITY TAXES, NOT NOW DUE OR PAYABLE, WHICH PARTY OF THE SECOND PART HEREBY ASSUMES AND AGREES TO PAY.

PARCEL 25

0 HICKORY AVENUE- (PARCEL ID# 022-001-00025)

THE EAST 22 1/2 FEET OF THE SOUTH 100 FEET OF LOT 103, FREEMAN AND BRINKLEY SUBDIVISION, AS SHOWN ON

PLAT OF RECORD IN PLAT BOOK 2, PAGE 131, AND FILED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO

WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED TO GRANTOR BY TAX SALE #2, TRD 9413-3 DATED AUGUST 3, 1983 AS

SHOWN IN THE CHANCERY COURT OF TENNESSEE FOR THE TENTH CHANCERY DIVISION AT MEMPHIS.

DESCRIPTION OF 23.743 ACRES, BEING PART OF THE LAWRENCE SYDNEY PEEK PROPERTY RECORDED IN INSTRUMENT NUMBER 05071347 IN THE SHELBY COUNTY REGISTER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SWINNEA ROAD (40.00 FOOT RIGHT-OF- WAY), SAID POINT BEING 3418.23' SOUTH OF THE CENTERLINE OF HOLMES ROAD; THENCE S 02°20'01" W A DISTANCE OF 50.00' TO THE POINT AT THE NORTHEAST CORNER OF THE MARSHA PEEK MONCRIEF PROPERTY (INSTRUMENT NO. 13125225); THENCE N 86°40'58" W ALONG THE NORTH LINE OF SAID MARSHA PEEK MONCRIEF PROPERTY A DISTANCE OF 2381.95' TO A POINT ON THE EAST LINE OF THE WILLIAM H. THOMAS, JR. PROPERTY (INSTRUMENT NO. 07072351); THENCE N 02°33'23" E ALONG THE EAST LINE OF SAID WILLIAM H. THOMAS, JR. PROPERTY A DISTANCE OF 80.00' TO A POINT ON THE NORTHEAST CORNER OF SAID WILLIAM H. THOMAS, JR. PROPERTY; THENCE N 87°34'35" W ALONG THE NORTH LINE OF SAID WILLIAM H. THOMAS, JR. PROPERTY A DISTANCE OF 255.18' TO A POINT ON THE SOUTHEAST CORNER OF THE ROBERT L. ROOP PROPERTY (INSTRUMENT NO. DF1609); THENCE N 02°24'39" E ALONG THE EAST LINE OF SAID ROBERT L. ROOP PROPERTY A DISTANCE OF 660.46' TO A POINT ON THE SOUTHWEST CORNER OF THE LAKEWOOD/HAMILTON CEMETERY, LLC PROPERTY (INSTUMENT NO. 11100872); THENCE S 87°41'31" W ALONG THE SOUTH LINE OF SAID CEMETERY A DISTANCE OF 1326.73' TO A POINT ON THE SOUTHWEST CORNER OF THE COPART OF TENNESSEE INC. PROPERTY (INSTRUMENT NO. 05053327); THENCE S 03°19'04" W A DISTANCE OF

709.76' TO A POINT; THENCE S 86°40'57" E A DISTANCE OF 1321.24' TO THE POINT OF BEGINNING, CONTAINING 1,034,224 SQUARE FEET OR 23.743 ACRES MORE OR LESS.

BOUNDARY

Being part of the Shelby County Community Redevelopment Agency property as recorded in Instrument Number 20126831 and being more particularly described as follows:

Beginning at a point in the intersection of the north line of Hickory Avenue (40' ROW) with the west line of N. Second Street (60' ROW); thence N80°41'44"W along the said north line a distance of 165.99 feet to a point; Thence S10°12'21"W a distance of 8.43 feet to a point; thence N79°47'39"W a distance of 283.15 feet to a point; thence N9°18'16"E a distance of 103.97 feet to a point; thence S80°41'38"E a distance of 316.52 feet to a point; thence N9°18'22"E a distance of 62.50 feet to a point; thence S80°41'38"E a distance of 13.00 feet to a point; thence S80°42'14"E a distance of 114.63 feet to a point in the said west line; thence along a 968.00 foot radius curve to the right an arc distance of 124.39 feet (chord S06°38'39"W 124.31 feet) to a point; thence S10°19'32"W a distance of 38.33 feet to the point of beginning and containing 1.260 acres of land more or less.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

Division of Planning and Development

– Land Use and Development Services CC:

- Office of Construction Enforcement

Shelby County Assessor

//: ATTACHMENTS

dpd STAFF REPORT

AGENDA ITEM: 14

CASE NUMBER: Z 22-007 L.U.C.B. MEETING: September 8, 2022

LOCATION: Northwest Corner of North Second St. and Hickory Ave.

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Memphis and Shelby County CRA

REPRESENTATIVE: Cindy Reaves on behalf of SR Consulting, LLC

REQUEST: Rezoning of +/-1.26 acres from Commercial Mixed Use – 3 (CMU-3) and

Employment (EMP) to Residential Urban – 3 (RU-3)

CONCLUSIONS

- 1. The request is to rezone +/- 1.26 acres from Commercial Mixed Use 3 (CMU-3) and Employment (EMP) to Residential Urban 3 (RU-3).
- 2. The subject site consists of thirteen parcels and is located at the northwest corner of North Second Street and Hickory Avenue.
- 3. The purpose of this request is to allow for future residential development.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 14-19 of this report.

RECOMMENDATION

Approval

Staff Writer: Kendra Cobbs E-mail: Kendra.Cobbs@memphistn.gov

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September 8, 2022 Page 2

GENERAL INFORMATION

Street Frontage: North Second Street +/-38.33 curvilinear feet

Bickford Avenue +/-449.14 linear feet

Zoning Atlas Page: 1930

Parcel ID: 022001 00014 through 022001 00026

Area: +/-1.26 acres

Existing Zoning: Commercial Mixed Use – 3 (CMU-3) and Employment (EMP)

Requested Zoning: Residential Urban – 3 (RU-3)

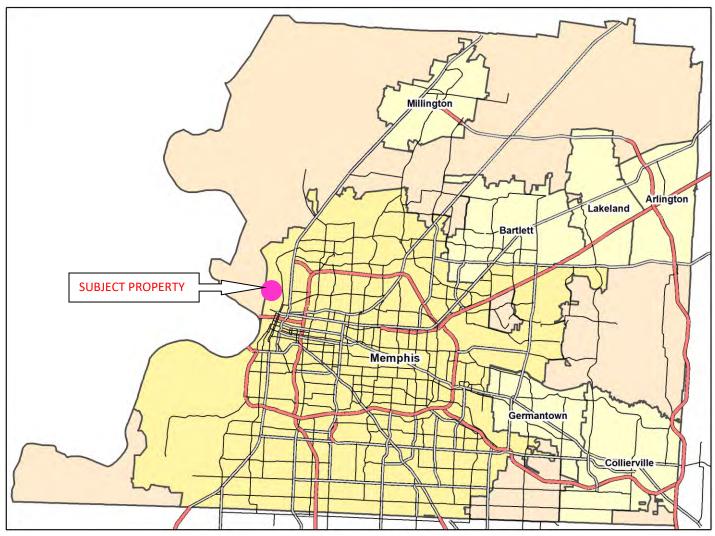
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Monday, August 29, 2022, at 954 North 2nd Street.

PUBLIC NOTICE

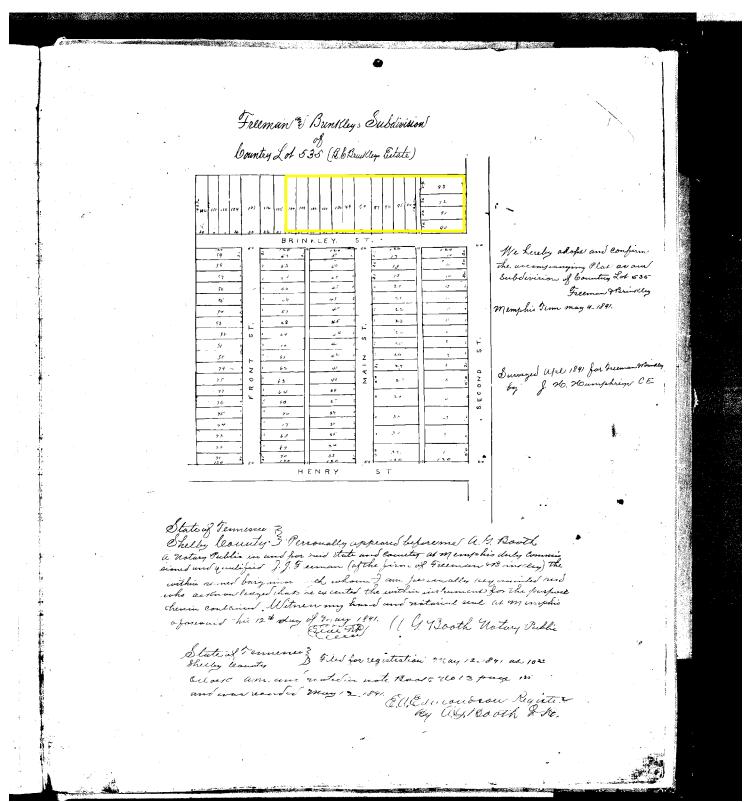
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 150 notices were mailed on August 25, 2022, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



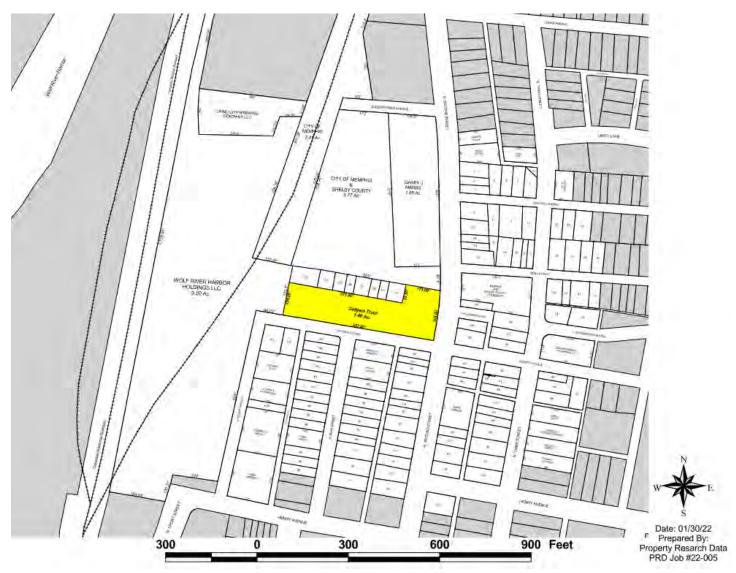
Subject property located within the pink circle, Uptown Redevelopment District

FREEMAN AND BRINKLEY SUBDIVISION (1891)



Subject property outlined in yellow, Lots 93-104

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property outlined in yellow

Existing Zoning: Commercial Mixed Use – 3 (CMU-3) and Employment (EMP)

Surrounding Zoning

North: Commercial Mixed Use – 3 (CMU-3) and Employment (EMP)

East: Mixed Use (MU)

South: Commercial Mixed Use – 3 (CMU-3), Residential Urban – 1 (RU-1) and Employment (EMP)

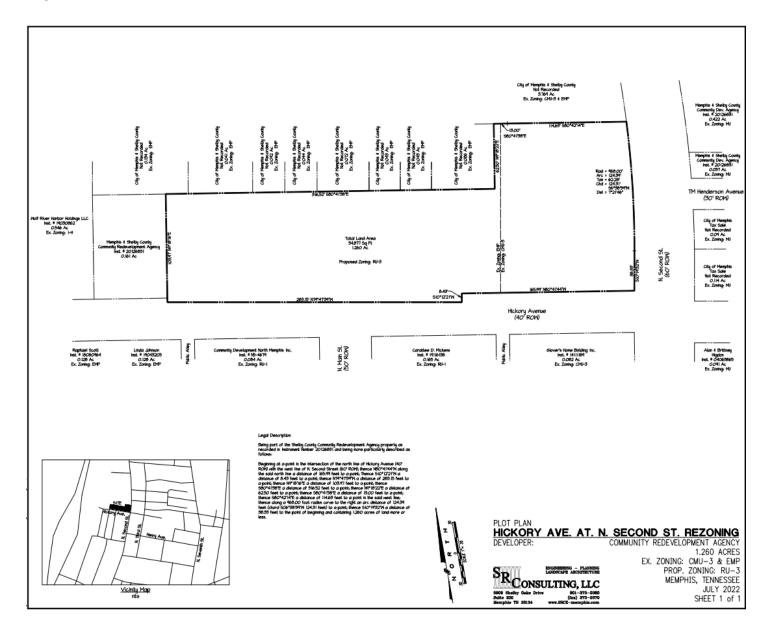
West: Heavy Industrial (IH)

LAND USE MAP



Subject property outlined in yellow

PLOT PLAN



SITE PHOTOS



View of subject property from Hickory Avenue looking northwest



View of subject property from Hickory Avenue looking northeast



View of subject property from North Second Street looking west



View of subject property from North Second Street looking southwest

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STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 1.26 acres from Commercial Mixed Use -3 (CMU-3) and Employment (EMP) to Residential Urban -3 (RU-3).

Review Criteria

Staff agrees with the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/-1.26 acres and is comprised of thirteen parcels located on the north side of Hickory Avenue and west of North Second Street. From the intersection of North Second Street and Hickory Avenue, the site proposed for rezoning extends west approximately 449 feet along Hickory Avenue. The first 101.63 feet along Hickory Avenue is zoned Commercial Mixed Use -3 (CMU-3), while the remainder of the 449 feet is zoned Employment (EMP). All parcels are currently vacant land. The site has been mostly cleared except for a few remaining trees and overbrush. Zoning districts in the vicinity include CMU-3 and EMP to the north; EMP, CMU-3 and Residential Urban -1 (RU-1) to the south; Mixed Use (MU) to the east and Heavy Industrial (IH) to the west.

Properties closest to the site are also mostly vacant, aside from Second Street Grocery at the southwest corner of North Second Street and Hickory Avenue, and a masonry-framed structure at the northeast corner of North Second Street and T.M. Henderson Avenue. Overall, the area is largely undeveloped, notwithstanding nearby manufacturing sites, and residential properties mostly west of North Second Street.

Conclusions

The request is to rezone 1.26 acres from Commercial Mixed Use -3 (CMU-3) and Employment (EMP) to Residential Urban -3 (RU-3).

The purpose of this request is to allow for future residential development. Pertaining to intended residential development, RU-3 zoning permits a variety of residential uses, ranging from single-family detached to apartment structures.

Staff finds that while the request is solely for the purpose of rezoning so that residential development may be permitted, further application may be required for re-platting of the lots. Additional review to determine

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building regulations will occur at the time the specific housing product and subdivision type are submitted.

The subject property is currently vacant.

RECOMMENDATION

Staff recommends approval.

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DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer: Comments were as follows:

Sewers:

1. The availability of City sanitary sewer is currently unknown. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

2. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: The proposal is CONSISTENT with the Memphis 3.0 Comprehensive

Plan. Summary follows:

Parcel ID: 022001 00015, 022001 00016

Overlay District/Historic District/Flood Zone: Located in the Central Business Improvement District, but not in any Historic District, or Flood Zone

Future Land Use Designation: High Intensity Commercial & Services (CSH)

Street Type: Parkway (022001 00015), N/A (022001 00016)

The following information about the land use designation can be found on pages 76 - 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



"CSH" Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

"CSH" Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezoning, as appropriate, at the time of a small area plan.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-3

Adjacent Land Use and Zoning: Vacant, Commercial, Single-Family, Institutional, Multi-Family; RU-1, EMP and MU

Overall Compatibility: The requested use is compatible with existing and adjacent land use, but not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing and adjacent zoning as the proposed use will be residential in the CMU-3 zoning district.

Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

3. Degree of Change Description N/A

> Parcel ID: 022001 00014, 022001 00017, 022001 00018, 022001 00019, 022001 00020, 022001 00021, 022001 00022, 022001 00023, 022001 00024, 022001 00025

Overlay District/Historic District/Flood Zone: Located in the Central Business Improvement District, but not in any Historic District, or Flood Zone

Future Land Use Designation: Anchor Neighborhood - Primarily Single-Unit Street Type: Parkway (022001 00014), N/A (022001 00016- 022001 00025)

The following information about the land use designation can be found on pages 76 – 122:

4. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

5. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5-10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

"AN-S" Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-3 (022001 00014) and EMP (022001 00016- 022001 00025)

Adjacent Land Use and Zoning: Vacant, Commercial, Single-Family, Institutional, Multi-Family; RU-1, EMP and MU

Overall Compatibility: The requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use, but not compatible with existing zoning as the proposed use will be residential in the EMP zoning district.

Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

6. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed use is a private investment and promotes infill development within a a tax increament district.

7. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density

8. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

The parcel is located in the Core Planning District and the requested use is consistent with Core Planning District Priority – Encourage growth and density by improving underutilized land for development.

Consistency Analysis Summary

The applicant is requesting a rezoning to RU-3 from EMP & CMU-3 for future residential development.

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For parcels 022001 00015, 022001 00016, the requested use is compatible with existing and adjacent land use, but not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing and adjacent zoning as the proposed use will be residential in the CMU-3 zoning district.

For Parcels 022001 00014 and 022001 00016 to 022001 00025, the requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use, but not compatible with existing zoning as the proposed use will be residential in the EMP zoning district.

The proposed use is a private investment and promotes infill development within a tax increment financing district.

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density

The parcel is located in the Core Planning District and the requested use is consistent with Core Planning District Priority – Encourage growth and density by improving underutilized land for development.

Overall, the proposed development is consistent with all aspects.

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by Romana Haque Suravi, Comprehensive Planning.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment Opened Date: August 2, 2022

Record Number: Z 2022-007

Expiration Date:

Record Name: N. Second St. & Hickory Ave. Rezoning Description of Work: Rezoning from EMP & CMU-3 to RU-3

Parent Record Number:

Address: 935 N SECOND ST, MEMPHIS 38107

Owner Information

Primary Yes

Owner Name

MEMPHIS AND

SHELBY COUNTY COMMUNITY

Owner Address

170 N MAIN ST, MEMPHIS, TN 38103

Owner Phone

Parcel Information

Parcel No:

022001 00015

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APPLICATION

| Name Andrew M Address | Murray Suffix: | Co | anization Na mmunity ency | ^{me} Redevelopn | nent | Cóntact 1 Applica | age of the same of | Phone (901) 304-7921 |
|---|--|----------------------|---------------------------------|-----------------------------|-----------------|-----------------------------|--|------------------------------|
| Cindy Re | aves | SR | Consulti | ng LLC | | Repres | entative | (901) 870-7003 |
| Fee Informa | ition | | | | | | | |
| Invoice # 1403272 | Fee Item Residential Rezoning - 5 acres or less | Quantity 1 | Fees 750,00 | Status INVOICED | Balance 0,00 | Date Assessed 08/04/2022 | Unit | Fee Code PLNGREZON E01 |
| 1403272 | Credit Card Use Fee (.026 x fee) | Ť | 19.50 | INVOICED | 0.00 | 08/04/2022 | | PLNGREZON E09 |
| | | Tota | al Fee Invo | oiced, \$769,5 | 0 | Total Bala | ance: \$0.00 | |
| Payment | Information | | | | | | | |
| Payment An \$769.50 | | nod of Paymedit Card | ent | | | | | |
| Data Fields | | | | | | | | |
| Commercial Control | LICATION MEETING | | | Chip Sal | iha | | | |
| Name of DPD Planner Date of Meeting | | | | - | | | | |
| ls this ap | L INFORMATION plication in response to tion Code Enforcement | | | No | | | | |
| Have you held a neighborhood meeting? | | | | No | | | | |
| If yes, please provide additional information | | | | 4 | | | | |
| GIS INEC | RMATION | | | | | | | |
| GIS HALL | | | | | | | | |

APPLICATION



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

| l, | Andrew Z. Muray (Print Name) | (Sign Name) | , state tha | t I have read the definition of |
|--------|--|--|----------------------------------|--|
| "Owr | ner" as outlined in the Memphis and | Shelby County Unified Deve | opment Code Sectio | n 12.3.1 and hereby state |
| that | (select applicable box): | | | |
| | I am the owner of record as shown holder of record as shown in the r contract; a mortgagee or vendee it | mortgage records of the count | y Register of Deeds; | purchaser under a land |
| × | I have charge, care or control of the guardian or lessee (and have included) | uded documentation with this | | ator, assignee, receiver, |
| of the | e property located at Hickory Ave | e. & N. Second St. | | |
| and f | further identified by Assessor's Parc | cel Number <u>022-001-0001</u> | 4 thru 26 | |
| for w | hich an application is being made to | o the Division of Planning and | Development. | |
| Subs | scribed and sworn to (or affirmed) be a compared to the second of the se | efore me this state of tennessee Notary Public By COMMISSION EXPIRES | ay of July 912 My Commission E | in the year of _2 o 2 7. 7/ 2 3 xpires |

LETTER OF INTENT

ENGINEERING • PLANNING

PLANNING

PLANNING

Successful Successful

Date: August 2, 2022

To: Office of Planning & Development

From: Cindy Reaves

Re: Hickory Ave. at N. Second St. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at the northwest corner of Hickory Avenue and North Second Street. The property is within the EMP & CMU-3 zoning district and is approximately 1.260 acres in area. We are requesting a rezoning to RU-3 zoning district for future residential development.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

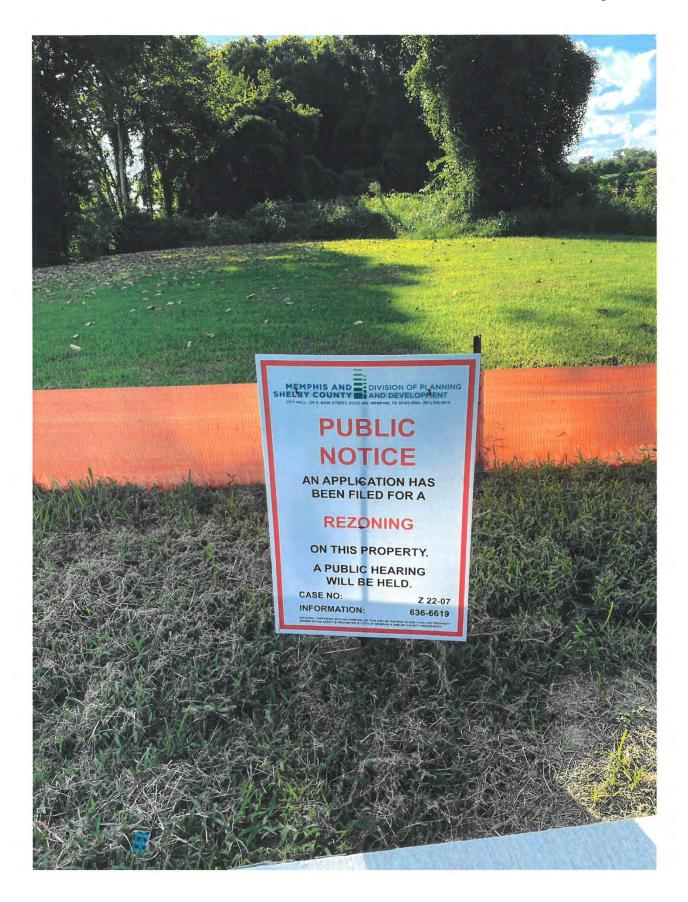
I, <u>Pam Thayer</u>, being duly sworn, depose and say that at <u>5:20</u> pm on the 29th day of August, 2022 I posted two Public Notice Signs pertaining to Case No. Z 22-07 on of the property located at the northwest corner of Hickory Avenue and North Second Street providing notice of a Public Hearing before the <u>September 8, 2022</u> Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative.... Date

Subscribed and swore to before this 30 day of August, 2072

Notary Public MY(00MM9S)01 7P/153
My commission expires:





LETTERS RECEIVED

No letters received at the time of completion of this report.



MEMPHIS AND SHELBY COUNTY

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning Record Status: Assignment

Opened Date: August 2, 2022

Record Number: Z 2022-007 Expiration Date:

Record Name: N. Second St. & Hickory Ave. Rezoning
Description of Work: Rezoning from EMP & CMU-3 to RU-3

Parent Record Number:

Address: 935 N SECOND ST, MEMPHIS 38107

Owner Information

Primary Owner Name Owner Address Owner Phone

Yes MEMPHIS AND 170 N MAIN ST, MEMPHIS, TN 38103 SHELBY COUNTY

COMMUNITY

Parcel Information

Parcel No:

022001 00015

Page 1 of 4 Z 2022-007

Contact Information

Name
Andrew Murray

Organization Name
Community Redevelopment
Agency

Contact Type

Applicant

Phone (901) 304-7921

Suffix:

Address

SR Consulting LLC Representative (901)

870-7003

Fee Information

Address

Cindy Reaves

Invoice # Fee Item Quantity **Date Assessed** Unit Fee Code Fees **Status Balance** INVOICED 0.00 08/04/2022 **PLNGREZON** 1403272 Residential Rezoning -750.00 5 acres or less E01

(.026 x fee) E09

Total Fee Invoiced: \$769.50 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$769.50 Credit Card

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting -

GENERAL INFORMATION

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Page 2 of 4 Z 2022-007

No

Central Business Improvement District

Case Layer -

Class

Downtown Fire District No

Historic District -

Land Use VACANT

Municipality MEMPHIS

Overlay/Special Purpose District Central Business Improvement District

Yes

Zoning CMU-3

State Route -

Lot 90-93

Subdivision FREEMAN & BRINKLEY

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 022001 00014

Property Parcel Number: 022001 00015

Property Parcel Number: 022001 00016

Property Parcel Number: 022001 00017

Property Parcel Number: 022001 00018

Property Parcel Number: 022001 00019

Property Parcel Number: 022001 00020

Property Parcel Number: 022001 00021

Property Parcel Number: 022001 00022

Property Parcel Number: 022001 00023

Property Parcel Number: 022001 00024

Property Parcel Number: 022001 00025

Page 3 of 4 Z 2022-007

Page 4 of 4 Z 2022-007

City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries,

Memphis and Shelby County Unified Development Code Section 12.3.1

contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1. 1, Andrew Z. Muray
(Print Name) ____, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit) of the property located at Hickory Ave. & N. Second St. and further identified by Assessor's Parcel Number 022-001-00014 thru 26 for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me

ENGINEERING • PLANNING

SR CONSULTING, LLC

5909 Shelby Oaks Drive Suite 200 Memphis TN 38134 Tel: 901-373-0380 Fax: 901-373-0370 www.SRCE-memphis.com

Date: August 2, 2022

To: Office of Planning & Development

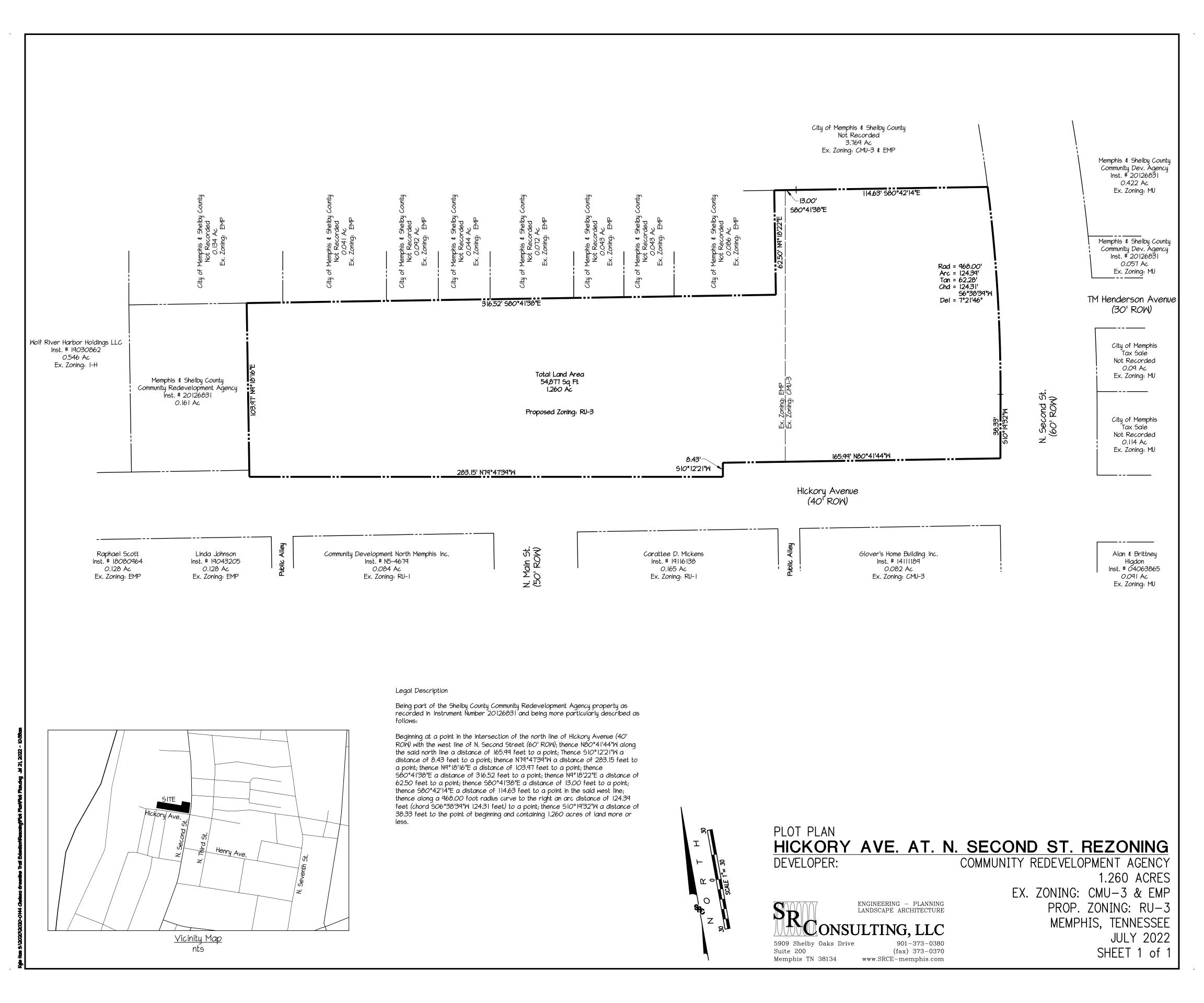
From: Cindy Reaves

Re: Hickory Ave. at N. Second St. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at the northwest corner of Hickory Avenue and North Second Street. The property is within the EMP & CMU-3 zoning district and is approximately 1.260 acres in area. We are requesting a rezoning to RU-3 zoning district for future residential development.

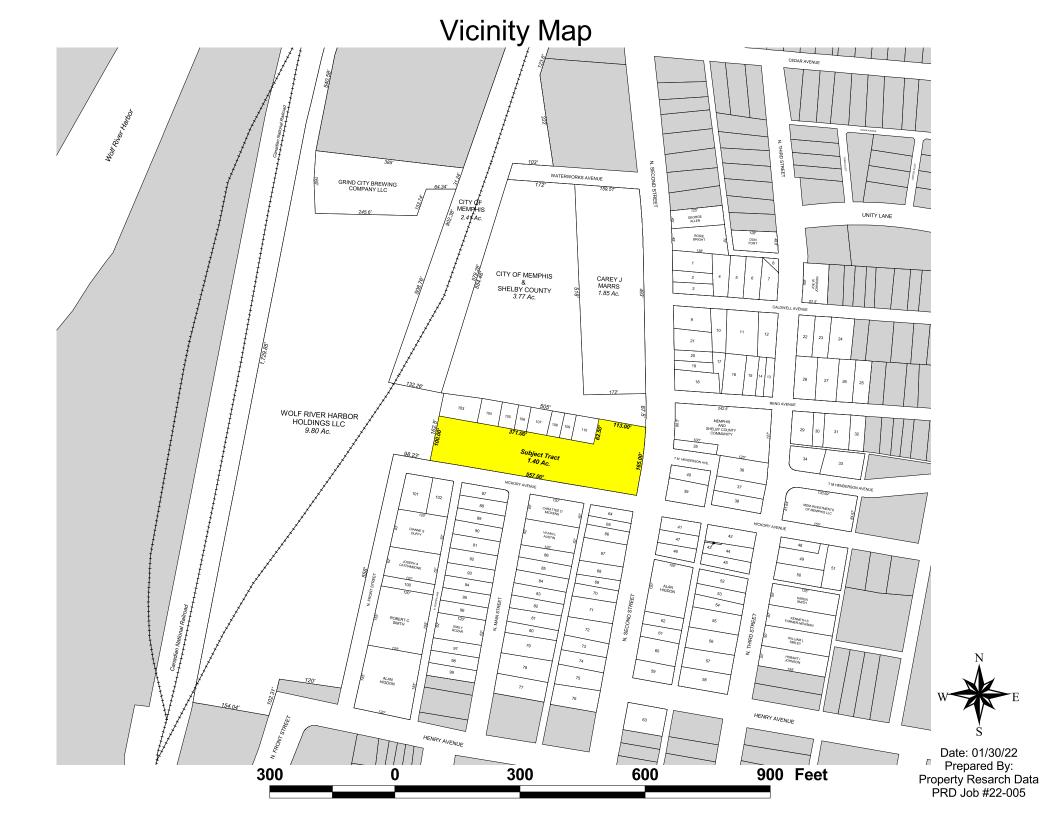
We appreciate your support with this request. Please contact me if you have any questions.

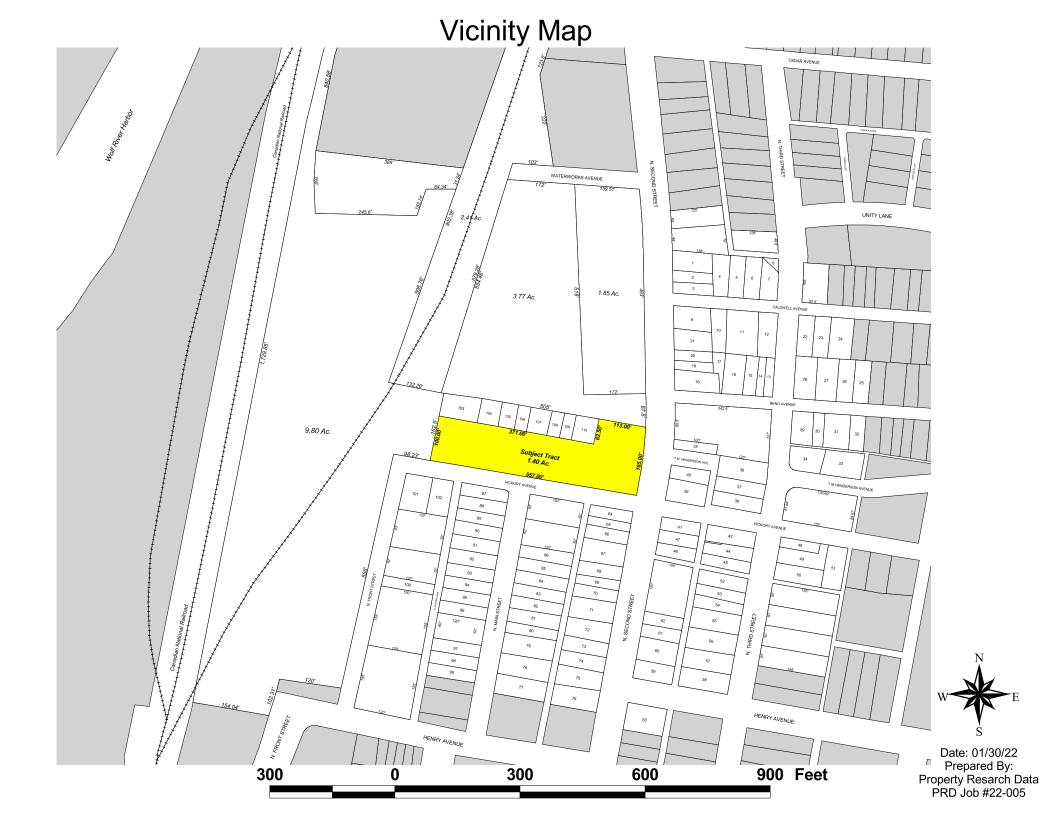


Legal Description

Being part of the Shelby County Community Redevelopment Agency property as recorded in Instrument Number 20126831 and being more particularly described as follows:

Beginning at a point in the intersection of the north line of Hickory Avenue (40' ROW) with the west line of N. Second Street (60' ROW); thence N80°41'44"W along the said north line a distance of 165.99 feet to a point; Thence S10°12'21"W a distance of 8.43 feet to a point; thence N79°47'39"W a distance of 283.15 feet to a point; thence N9°18'16"E a distance of 103.97 feet to a point; thence S80°41'38"E a distance of 316.52 feet to a point; thence N9°18'22"E a distance of 62.50 feet to a point; thence S80°41'38"E a distance of 13.00 feet to a point; thence S80°42'14"E a distance of 114.63 feet to a point in the said west line; thence along a 968.00 foot radius curve to the right an arc distance of 124.39 feet (chord S06°38'39"W 124.31 feet) to a point; thence S10°19'32"W a distance of 38.33 feet to the point of beginning and containing 1.260 acres of land more or less.





Allen Georg Austin Vivian L Banes Bernice L Trust Revocable 1014 N. Second Street 928 N. Main Street 205 S. Yates Road Memphis, TN 38107-1811 Memphis, TN 38107-2345 Memphis, TN 38120-2255 Bishop Henry & Carolyn S Bennett Viree Borczon Robin & John 909 N. Third Street 935 N. Main Street 706 Belvedere Boulevard Memphis, TN 38107 Memphis, TN 38107-2346 Memphis, TN 38107-0386 Brazan Luvonne A Bright Rosie Burchett James B 3874 Advantage Way Drive, Apt 301 2976 N. Rolling Woods Drive 929 N. Main Street Memphis, TN 38107-2346 Memphis, TN 38128-7271 Memphis, TN 38128-5356 Burnett Clinton J Bynum Ida R (Estate Of) Cannon Arstine (Estate Of) 4255 Waymar Drive 980 N. Second Street 3602 Trezevant Street Memphis, TN 38117 Memphis, TN 38107-1809 Memphis, TN 38127 Cannon Hilton & Velma Catrambone Joseph A Cirrus Technologies & Data Solutions Inc. 912 N. Front Street 105 Shoemaker Drive, Ste. 23 172 Reno Avenue Memphis, TN 38107-1842 Memphis, TN 38107-2349 Antioch, TN 37013 City Of Memphis City Of Memphis & Shelby County City Of Memphis Housing & Community 125 N. Main Street 125 N. Main Street 125 N. Main Street Memphis, TN 38103-2026 Memphis, TN 38103-2026 Memphis, TN 38103-2026 City Of Memphis Tax Sale Community Development North Memphis Crider Dawnyea & Marviesta 125 N. Main Street 939 N. Main Street 3825 Range Line Road Memphis, TN 38103-2026 Memphis, TN 38107-2346 Memphis, TN 38127-4703 Crochett Naomi T And Ruth T Crump Harry Crump Harry & Annie P D 908 N. Second Street 908 N. Second Street 57 S. Sanga Road Cordova, TN 38018 Memphis, TN 38107-2352 Memphis, TN 38107-2352

Davenport Derrick 5980 Maher Valley Cove Bartlett, TN 38135-9271

> Fort Don And Donna Pope 1009 N. Third Street Memphis, TN 38107-1870

Suches, GA 30572-0239

Duffy Dianne S

P O Box 239

Farmer-Newman Kenneth S 916 N. Third Street Memphis, TN 38107-2431

Flowers Alfred B 2053 Belover Drive Memphis, TN 38127-3302 Franklin Deborah 160 Caldwell Avenue Memphis, TN 38107-1835 Gibbs Magnolia 908 N. Main Street Memphis, TN 38107-2345 Gillespie Inece 168 Reno Avenue Memphis, TN 38107-1842 Glovers Home Building Incorporated 5115 Whitworth Road Memphis, TN 38116-8436

Gray Marcia 932 N. Third Street Memphis, TN 38107-2431 Grind City Brewing Company LLC 1355 Hewlett Drive Rossville, TN 38066-3625 Hayes Tabitha D And Christy L Teamer 920 N. Main Street Memphis, TN 38107-2345

Higdon Alan 2928 Court Street Bartlett, TN 38134-4531 Higdon Alan And Brittney Higdon 2928 Court Street Bartlett, TN 38134-4531 Ingram Patrick L 6911 Kinderhill Cove Memphis, TN 38141-

Johnson Hobart I & Kathryn G 1634 Vollintine Avenue Memphis, TN 38107-3030 Johnson Joe W 202 Caldwell Avenue Memphis, TN 38107

Johnson Linda 85 Hickory Avenue Memphis, TN 38107-2301

Jones Gregory 4703 Crossover Lane Memphis, TN 38117-5526 Kaaz Spencer And Guadalupe Escobar 12 S. Evergreen Street Memphis, TN 38104-3919 Knowlton Evelyn M 913 N. Third Street Memphis, TN 38107-2430

Lee Melvin E (LE) And Angela L 900 N. Main Street Memphis, TN 38107-2345

Lewis Ruby (Estate Of) 178 T M Henderson Avenue Memphis, TN 38107-1860 Littlejohn Barbara 250 Caldwell Avenue Memphis, TN 38107-1845

Marrs Carey J And Cary G Marrs (RS) 717 Riverside Drive Memphis, TN 38103-1728 MDM Investments Of Memphis LLC P O Box 751536 Memphis, TN 38175-1536 Memphis And Shelby County Comm. P O Box 70386 Memphis, TN 38107-0386

Memphis And Shelby County Community 170 N. Main Street, 6th Floor Memphis, TN 38103-1877 Mickens Carattee D 969 Riverside Boulevard Memphis, TN 38106-1556 Moore Daphne And Philisha Duffie (RS) 2756 Overton Crossing Street Memphis, TN 38127-8127

Nash Investments Group LLC 6158 Autumn Pt. Olive Branch, MS 38654-6624 Nelms Eddie Jr. And Glendale C Nelms 3422 Brown Bark Memphis, TN 38115 NHO Management Incorporated P O Box 140666 Memphis, TN 38104-2432

North Memphis Community Dev. Corp. 262 Union Avenue, Ste. 1100 Memphis, TN 38103-5134 Oasis Of Hope Incorporated 8500 Walnut Grove Road Cordova, TN 38018 Oates Mattie 3930 Allenbrook Cove, Apt. 200 Memphis, TN 38118-1880 Scott Raphael 1640 Dolan Drive Memphis, TN 38116-5202 Shelby County Tax Sale P O Box 2751 Memphis, TN 38101-2751 Simelton Deborah 3634 Lyndale Avenue Minneapolis, MN 55412

Simmons Stephanie P O Box 3458 Memphis, TN 38173-0458 Smiley William L P O Box 25165 Arlington, VA 22202-9065 Smith Georgeanna T 327 Buntyn Street Memphis, TN 38111-1601

Smith Karen 3407 Drayton Manor Run Lawrenceville, GA 30045-9417 Smith Robert C & Patsy L 5217 Shady Grove Road Memphis, TN 38117-3447

Tharpe Hattye P 6670 Ross Manor Drive Memphis, TN 38141-2414

Vann Ann 183 Caldwell Avenue Memphis, TN 38107-1838 Watson Lawrence 4644 Priscilla Avenue Memphis, TN 38128 White Bennie 3111 Belle Grove Road Memphis, TN 38115

Williams Verzonia 187 Hickory Avenue Memphis, TN 38107-2464 Wolf River Harbor Holdings LLC 495 Tennessee Street, Ste. 152 Memphis, TN 38103-2549 Wolf River Holdings LLC 495 Tennessee Street, Ste. 152 Memphis, TN 38103

Woods Danielle M 921 N. Third Street Memphis, TN 38107-2430 Ziemer Christopher E 1000 N. Second Street Memphis, TN 38107-1811 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134

SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134

City of Memphis and Shelby County 125 N. Main Street Memphis, TN 38103 City of Memphis and Shelby County 125 N. Main Street Memphis, TN 38103 City of Memphis and Shelby County 125 N. Main Street Memphis, TN 38103

City of Memphis and Shelby County 125 N. Main Street Memphis, TN 38103 City of Memphis and Shelby County 125 N. Main Street Memphis, TN 38103

Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107 Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107 Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107

Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107 Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

20126831

| 11/17/2020 - 08:24:3 | 30 AM |
|-------------------------|-----------|
| 9 PGS | |
| HERTHA 2123715-20126831 | |
| VALUE | 191000.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 706.70 |
| RECORDING FEE | 45.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 1.00 |
| EFILE FEE | 2.00 |
| TOTAL AMOUNT | 756.70 |

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY: GRIFFIN, CLIFT, EVERTON & MASCHMEYER, PLLC 6489 Quail Hollow, Suite 100 MEMPHIS, TENNESSEE 38120 (901) 752-1133 FF24134

Return To: J. Clay Cole Coventry Escrow & Title Company, LLC 7500 Capital Drive Germantown, Tennessee 38138

SPECIAL WARRANTY DEED

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee:

See attached Exhibit A for legal descriptions of properties.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging to or in any wise appertaining unto the said Grantee, Grantee's heirs, successors and assigns in fee simple forever.

The said Grantor does hereby covenant with Grantee that it is lawfully seized in fee of the aforesaid real estate; that it has good right to sell and convey the same; that the same is unencumbered except for: City of Memphis and Shelby County not yet due and payable which Grantee hereby assumes and agrees to pay; and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons *claiming by*, *through or under Grantor, but not further or otherwise*.

This property is being conveyed in as-is condition, and Grantor makes no representations or warranties, of any kind or nature whatsoever, whether express or implied, implied by law, or otherwise, concerning the condition of the property.

WITNESS the signature of the Grantor the day and year first above written.

STATE OF TENNESSEE COUNTY OF SHELBY)

Before me, the undersigned, a Notary Public of said County and State, personally appeared Alan Higdon, the within named seller, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand, at office, this day of November, 2020.

My Commission Expires: N01/.13,2023

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public of said County and State, personally appeared Brittney Kutz fka Brittney Higdon, the within named seller, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

day of November, 2020.

My Commission Expires:

= Michael & Kuy 5/2023 NOV. 13, 2023

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best affiant's knowledge, information or belief, the actual consideration for this transfer or the value of the property transferred, whichever is greater, is \$191,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Affiant

SUBSCRIBED AND SWORN to before me this 6th day of November, 2020,

Notary Public

My Commission expires:

Property Addresses: See attached exhibit A Parcel No. See Attached Exhibit A

City of New Owner Name and Address:
Memphis-Shelby County Community
Redevelopment Agency

170 N. Main St., 6th Floor Memphis, TN 38103

Mail Tax Bills To: City of Memphis and Shelby County Community Redevelopment Agency 170 N. Main St., 6th Fl. Memphis, TN 38103

EXHIBIT A

1. 0 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00020

The South 100 feet of Lot 98, FREEMAN AND BRINKLEY'S SUBDIVISION, as per plat recorded in Plat Book 2, Page 131, of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the north side of Hickory Avenue 253 feet west of North Second Street; running thence westwardly along the north line of Hickory Street 50 feet to a point; running thence northwardly 100 feet to a point; running thence eastwardly 50 feet to a point; running thence southwardly 100 feet to the point of beginning.

Being the same property conveyed to Alan Higdon & Brittney Higdon by Quit Claim Deed of record at Instrument No. 14005383, in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; Easement of record at Book 3178, Page 336 and Instrument No. CT 4870; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

2. 112 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00018

Lot 96 in Freeman's and Brinkley's Subdivision, part of country Lot 535, as recorded May 12, 1891, in Plat Book 2, page 131, having a frontage of 30 feet on the north side of Hickory (formerly Brinkley) Street, and extending back between parallel lines 162½ feet. LESS AND EXCEPT: PART SOLD AT 2029-440

Part of Lot 96, Freeman and Brinkley Subdivision, as of record in Plat Book 2, Page 131, in the Office of the Register of Shelby County, Tennessee, and more particularly described as follows: Beginning at a point in the east line of said Lot 96, said point being 100 feet north of the north line of Hickory Avenue; running thence northwardly 62.5 feet to the north line of Lot 96; thence westwardly 30 feet to the west line of Lot 96; thence southwardly 62.5 feet; thence eastwardly 30 feet to the point of beginning. Being a part of that property described in deed of record in Book 1982, Page 525, in the aforesaid Register's Office.

Being one and the same property conveyed to Alan Higdon or Brittney Higdon by Quit Claim Deed of record at Instrument No. 11036918 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

3. 0 N Second, Memphis, TN – Tax Parcel ID: 022-001-00015

Part of Lots 90, 91, 92 and 93, of FREEMAN & BRINKLEY SUBDIVISION, of part of Cheek and Pate Subdivision in Country Lot 535 as per plat of record in Plat Book 2, Page 131, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a chisel mark cut in the concrete sidewalk in the intersection of the west line of North Second Street with the north line of Hickory Avenue, thence northwardly with said west line of North Second Street 162.5 feet to a chisel mark cut in said concrete sidewalk; thence westwardly parallel with Hickory Avenue 120 feet to the east line of an alley; thence southwardly with said east line of alley 89.3 feet to a stake; thence eastwardly parallel with Hickory Avenue 30.8 feet to a stake; thence southwardly parallel with North Second Street73.2 feet to a stake in the north line of Hickory Avenue; thence eastwardly with north line of Hickory Avenue 89.2 feet to the beginning.

LESS AND EXCEPT that part of lot 93 conveyed to the City of Memphis and described in Warranty Deed of record in Book 1988, Page 405, in the Register's Office of Shelby County, Tennessee.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon, by Quit Claim Deed of record at Instrument No. 0463868 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

4. 0 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00024

The West 29 Feet of Lot 102, FREEMAN AND BRINKLEY SUBDIVISION, in Country Lot 535 as per plat recorded in Plat Book 2, Page 131, of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the north line of Hickory Street 385 feet west of the west line of North Second Street; said point being the southeast corner of Lot 102; running thence west along the north line of Hickory Street 39 feet to a point in the southeast corner of the property conveyed by deed recorded in Book 2781, Page 242 in said Register's Office; running thence northwardly 100 feet to a point; running thence eastwardly 39 feet to a point; running thence southwardly 100 feet to a point in the north line of Hickory Street to the point of beginning.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon by Quit Claim Deed of record at Instrument No. 14005381 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

5. 0 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00023

The East 2 feet of Lot 102, west 23 feet of Lot 101, FREEMAN AND BRINKLEY'S SUBDIVISION, as per plat recorded in Plat Book 2, Page 131, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property. And being 25 feet by 100 feet on Hickory.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon by Quit Claim Deed of record at Instrument No. 14005382 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; and Easement of record at Book 2781, Page 242; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

6. 0 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00022

The South 100 Feet of Lot 100, and the South 100 Feet of the East 8 Feet of Lot 101, FREEMAN AND BRINKLEY'S SUBDIVISION, as per plat recorded in Plat Book 2, Page 131, of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows: Beginning at a point in the north line of Hickory Street 334 feet west of the west line of North Second Street; said point being the southeast corner of Lot 100; running thence west along the north line of Hickory Street 39 feet to a point in the southeast corner of the property conveyed by deed recorded in Book 2781, Page 242 in said Register's Office; running thence northwardly 100 feet to a point; running thence eastwardly 39 feet to a point; running thence southwardly 100 feet to a point in the north line of Hickory Street to the point of beginning.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon by Quit Claim Deed of record at Instrument No. 14005429 in the Register's Office of Shelby County, Tennessee.

7. 84 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00026

The South 100 feet of Lots 103, 104 and 105, FREEMAN AND BRINKLEY SUBDIVISION except the east 22½ feet of Lot 103 and being more particularly described as follows: Beginning at a point in the South line of Lot 103 in the north line of Hickory Avenue which point being 22½ feet west of the southeast comer of Lot 103 and midway between the houses known as 84-86 and 88 Hickory Avenue; thence west along the South lines of Lots 103, 104, and 105 along the north line of Hickory Avenue about 70.5 feet to a point; thence northwardly and parallel to the west line of Lot 105, a distance of 100 feet to a point in the south line of the property belonging to the City of Memphis; thence east along the south line of said property and parallel to the north line of Hickory Avenue 70.5 feet to a point; thence south and parallel with the east line of Lot 103 to the point of beginning.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon by Quit Claim Deed of record at Instrument No. 11104441 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; and Easement of record at Book 3178, Page 338; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

8. 114 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00017

Lots 94 and 95, FREEMAN AND BRINKLEY SUBDIVISION, as recorded in Plat Book 2, page 131, in the Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

LESS & EXCEPT that part retained by the City of Memphis & the County of Shelby, as shown on Tax Map as Parcel No. 022-001-00013.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon by Quit Claim Deed of record at Instrument No. 11036917 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

9. 0 Hickory, Memphis, TN – Tax Parcel ID: 022-001-00016

Part of Lots 90 through 92, FREEMAN and BRINKLEY'S SUBDIVISION, as per plat recorded in Plat Book 2, Page 131, of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a stake in the north line of Hickory Avenue 89.2 feet westwardly from the west line of North Second Street; thence westwardly with said north line of Hickory Avenue 30.8 feet to the east line of an alley; thence northwardly with the east line of said alley 73.2 feet to a stake; thence eastwardly parallel with Hickory Avenue 30.8 feet to a stake; thence southwardly 73.2 feet to the point of beginning.

Being one and the same property conveyed to Alan Higdon and Brittney Higdon by Quit Claim Deed of record at Instrument No. 14005384 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 2, Page 131; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

10. 0 Reno, Memphis, TN – Tax Parcel ID: 022-015-00001C

Lots 92 through 98, J.F. Graham Subdivision, as shown on Plat Book of record in Plat Book 5, Page 6, in the Register's Office of Shelby County, Tennessee to which plat reference is hereby made for a more particular description of said property.

And

Beginning at a point in the east line of North Second Street 57 feet south of the south line of Reno Avenue, which point of beginning is the southwest corner of property owned by Petrovsky; running thence east to a point in the west line of North Third Street, which point is the southeast corner of property now owned by Petrovsky; thence southwardly with said west line of North Third Street to the north line of Sunflower Avenue; thence westwardly with said north line of

Sunflower Avenue to a point in the southeast corner of another tract owned by Petrovzsky and which is situated at the northeast corner of said Petrovsky tract last above referred to; thence westwardly with the north line of said last mentioned Petrovsky tract to the east line of North Second Street; thence northwardly with said east line of North Second Street to the point of beginning.

Being one and the same property conveyed to Alan Higdon by Counterpart Warranty Deed recorded at Instrument Nos. 11094026 and 11094027 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 5, Page 6; all in the Register's Office of Shelby County, Tennessee; and except for 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

11. 954 N Second, Memphis, TN – Tax Parcel ID: 022-015-00005

Part of Block G, Bickford Park Subdivision in the City of Memphis, Shelby County, Tennessee, more particularly described as follows:

Beginning at a point being the intersection of the north line of Sunflower Avenue with the east line of North Second Street; thence northwardly with the east line of North Second Street 25 feet to a point; thence eastwardly and parallel with the north line of Sunflower Avenue 100 feet to a point in the west line of an alley; thence southwardly parallel with the west line of said alley 25 feet to a point in the north line of Sunflower Avenue; thence westwardly with the north line of Sunflower Avenue 100 feet to the point of beginning.

Being one and the same property conveyed to Alan Higdon by Warranty Deed of record at Instrument No. 04175057 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to 2021 Shelby County taxes and 2021 Memphis City taxes, not now due or payable, which party of the second part hereby assumes and agrees to pay.

| I, J. Clay Cole | , do hereby make oath that I am a |
|------------------------------|--|
| licensed attorney and/or the | custodian of the electronic version of the |
| attached document tendered | for registration/herewith and that this is a |
| | original document executed and authenti- |
| cated according to law. | |
| | |
| State of Tennessee | |
| County of Shelby | |
| Personally appeared before | e me, Ashley M. Johnson , a |
| | ty and state, (name of person making |
| | ges that this certification of an electronic |
| document is true and correct | and whose signature I have witnessed. |
| | ANAM N. JUWA |
| | Notary's, Signature |
| MY COMMISSION EXPIRES | S: MINGHLEY M. OFFI |
| Notary's Seal (If on paper) | MANOR TO SELECTION OF TO SELEC |
| | S NOTARY S |
| | |
| | S. W. COON, I'M SO |
| | Pires Dec. 06 |



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

21110135

| 09/03/2021 - 11:51:30 AM | |
|--------------------------|-------|
| 5 PGS | |
| LINDA 2295082-21110135 | |
| VALUE | 0.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 0.00 |
| RECORDING FEE | 25.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 0.00 |
| EFILE FEE | 2.00 |
| TOTAL AMOUNT | 29.00 |

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Deed Prepared By and Return to: Monice Hagler, Esquire Hagler Law Group, PLLC 2650 Thousand Oaks Blvd., Ste. 2140 Memphis, Tennessee 38118

QUIT CLAIM DEED (0 North Second)

THIS INDENTURE made and entered into this described as of August 2021 by and between CITY OF MEMPHIS, a Municipality in the State of Tennessee hereinafter referred to as Grantor and City of Memphis and Shelby County Community Redevelopment Agency, hereinafter referred to as Grantee;

WITNESSETH: Pursuant to Resolution adopted by the Council of the City of Memphis on February 2, 2021, for and in consideration of the sum of **Ten Dollars (\$10.00)**, from the Grantee, receipt of which is hereby acknowledged, the Grantor hereby conveys and quitclaims unto the Grantee all of its right, title and interest in and to the certain vacant property in the City of Memphis, Shelby County, Tennessee, as described and as shown in Exhibit A.

The Grantor hereby retains easements for existing utilities, sanitary sewer and drainage facilities recorded and unrecorded located in the above described parcel of real property.

Grantor makes no claim or warranty relative to the environmental condition of the above described property.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed by and through its duly authorized officers the day and year first above written.

SIGNATURES FOLLOW ON NEXT PAGE

Grantor:

CITY OF MEMPHIS, TENNESSEE

By: Lim Strickland City

Approved:

Çity Attorney

Attest?

City Comptroller

Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **Jim Strickland**, **Mayor of the City of Memphis**, **Tennessee**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the City of Memphis**, **Tennessee**, the within named bargainor, one of the municipal corporations of the State of Tennessee, and that he as such **Mayor** of said city, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **City of Memphis**, **Tennessee**, by himself as such **Mayor** of said municipal corporation.

WITNESS my hand and Notarial Seal, at office in the City of Memphis, in the County aforesaid, this 26 day of day of 2021.

My Commission Expires

Notary Public

NOTARY

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is EXEMPT.

Subscribed and sworn to before me this the day of Agree 2021

Tennessee Notary

My Commission Expires

. . .

באר, אטיי

Property Owner:

City of Memphis and Shelby County Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107 Mail Tax Bills To:

City of Memphis and Shelby County Community Redevelopment Agency P.O. Box 70386 Memphis, TN 38107

Notary Public

Property Address:

1. 0 N Second Street - Parcel ID# 022-001-00014

EXHIBIT A – LEGAL DESCRIPTION

<u>0 North Second – Parcel ID # 022-001-00014</u>

Part of Lot 93, Freeman and Brinkley Subdivision, as recorded in Plat Book 2, Page 131, and being more particularly described in Warranty Deed at 1988-405, and filed in the Register's Office of Shelby County, Tennessee.

Being the same property conveyed to Grantor by Warranty Deed at Book 1988, Page 405 dated June 17, 1948 and filed in the Register's Office of Shelby County, Tennessee.

With Exceptions to Title – Easement of record at Plat Book 3, Page 113, filed in the Register's Office of Shelby County, Tennessee.



ARCHWAY TITLE & ESCROW, LLC

2650 Thousand Oaks Blvd. Suite 2140
Memphis, Tennessee 38118
901-290-6620 Office
901-290-0294 Facsimile
monice@haglerlawgroup.com

| I, Monice Moore Hagler, do hereby make o | oath that I am a licensed attorney and/or the custodian |
|---|---|
| of the original version of the electronic d | ocument tendered for registration herewith and that |
| this electronic document is a true and | exact copy of the original document executed and |
| authenticated according to law on $___$ | 25/21 |

Affiant - Monice Moore Hagler

STATE OF TENNESSEE COUNTY OF SHELBY

Personally appeared before me, Pamela Gray Addison, a notary public for this county and state, Monice Moore Hagler, who acknowledges that this certification of an electronic certification of an electronic document is true and correct and whose signature I have witnessed.

Notary Signature

MY COMMISSION EXPIRES 10/23/21

Notary's Seal (if on paper)



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

21110138

| 09/03/2021 - 11:51:30 AM | |
|--------------------------|-------|
| 7 PGS | |
| LINDA 2295082-21110138 | |
| VALUE | 0.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 0.00 |
| RECORDING FEE | 35.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 0.00 |
| EFILE FEE | 2.00 |
| TOTAL AMOUNT | 39.00 |

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Deed Prepared By and Return to: Monice Hagler, Esquire Hagler Law Group, PLLC 2650 Thousand Oaks Blvd., Ste. 2140 Memphis, Tennessee 38118

QUIT CLAIM DEED (Ten Parcels)

THIS INDENTURE made and entered into this day of Augus 7, 2021 by and between the CITY OF MEMPHIS, a Municipal Corporation in the State of Tennessee, hereinafter referred to as Grantor and the City of Memphis and Shelby County Community Redevelopment Agency, hereinafter referred to as Grantee;

WITNESSETH: Pursuant to Resolution adopted by the Council of the City of Memphis on February 2, 2021, for and in consideration of the sum of Ten Dollars (\$10.00), from the Grantee, receipt of which is hereby acknowledged, the Grantor hereby conveys and quitclaims unto the Grantee all of its right, title and interest in and to the certain vacant property in the City of Memphis, Shelby County, Tennessee, as described and as shown in Exhibit A.

The Grantor hereby retains easements for existing utilities, sanitary sewer and drainage facilities recorded and unrecorded located in the above described parcels of real property.

Grantor makes no claim or warranty relative to the environmental condition of the above described property.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed by and through its duly authorized officers the day and year first above written.

SIGNATURES FOLLOW ON NEXT PAGE

GRANTOR:

CITY OF MEMPHIS, TENNESSEE

By:/ Xint Strick lah

in Strickland, City Mayor

Attest:

City Comptroller

Approved:

Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **Jim Strickland**, **Mayor of the City of Memphis**, **Tennessee**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the City of Memphis**, **Tennessee**, the within named bargainor, one of the municipal corporations of the State of Tennessee, and that he as such **Mayor** of said city, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **City of Memphis**, **Tennessee**, by himself as such **Mayor** of said municipal corporation.

WITNESS my hand and Notarial Seal, at office in the City of Memphis, in the County aforesaid,

this <u>25</u> day of <u>Augs</u>, 2021.

My Commission Expires

Notary Public

TENNESSEE

EXP. JUHE

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is EXEMPT.

Subscribed and sworn to before me this the

_ day of *Hygys*], 2021.

My Commission Expires

Notary Public

Property Owner:

City of Memphis and Shelby County **Community Redevelopment Agency** P.O. Box 70386

Memphis, TN 38107

Mail Tax Bills To:

City of Memphis and Shelby County **Community Redevelopment Agency** P.O. Box 70386 Memphis, TN 38107

Property Addresses:

- 1. 837 N Decatur (Parcel ID# 021-006-00016)
- 2. 0 Hastings (Parcel ID# 021-009-00003)
- 3. (Parcel ID# 021-012-00017) (rear lot of 643 Decatur St.)
- 4. 1009 Looney (Parcel ID# 021-030-00003)
- 5. 912 Decatur (Parcel ID# 021-044-00054)
- 6. 0 Hickory Avenue (Parcel ID# 022-001-00019)
- 7. 0 Hickory Avenue (Parcel ID# 022-001-00025)
- 8. 911 N Main (Parcel ID# 022-003-00010)
- 9. 897 N Main (Parcel ID# 022-003-00013)
- 10. 1112 E Clyde Avenue (Parcel ID# 040-010-00016)

EXHIBIT A – LEGAL DESCRIPTIONS

1. 837 N Decatur – (Parcel ID# 021-006-00016)

Lot 27, 28, 29, & 30, Block 1 Mar Mosley Subdivision, as recorded in Plat Book 3, Page 135, and filed in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Warranty Deed at Instrument Number AF-7113 dated January 20, 1988 and filed in Register's Office of Shelby County, Tennessee.

2. <u>0 Hastings-Parcel ID # 021-009-00003</u>

Lot PT 12, James Jones Subdivision, as shown in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Warranty Deed at Instrument Number AJ 1762 dated March 29, 1988, and filed in Register's Office of Shelby County, Tennessee.

3. (Parcel ID# 021-012-00017) (rear lot of 643 Decatur St.)

Lot PT 20, Block 13 Brinkley & Snowden Subdivision, as shown on plat of record in Plat Book 1, Page 38, and filed in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Warranty Deed at Instrument Number AV-4226 dated December 8, 1988, and filed in Register's Office of Shelby County, Tennessee.

With Exceptions to Title - Easements of record at Instrument Number 2798-609 filed in the Register's Office of Shelby County, Tennessee

4. 1009 Looney (Parcel ID # 021-030-00003)

The east 40 feet of Lot 10, Miller Court Subdivision, as shown on plat of record in Plat Book 3, Page 121, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Tax Sale #10, TRD 9425-3 dated January 5, 1996 as shown in the Chancery Court of Tennessee for the Thirtieth Judicial District at Memphis.

5. 912 Decatur - Parcel ID #021-044-00054)

Lot 12, Block 2, Toohey Subdivision, as shown on plat of record in Plat Book 4, Page 15, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Tax Sale #13, TRD 9460-2 dated August 1, 2000 as shown in the Chancery Court of Tennessee for the Thirtieth Judicial District at Memphis.

6. <u>0 Hickory Avenue – (Parcel ID# 022-001-00019)</u>

The South 100 Feet of Lot 97, Freeman and Brinkley Subdivision as shown on plat of record in Plat Book 2, Page 131, and filed in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Tax Sale #2, TRD 9413-3 dated August 3, 1983 as shown in the Chancery Court of Tennessee for the Tenth Chancery Division at Memphis.

7. <u>0 Hickory Avenue – (Parcel ID# 022-001-00025)</u>

The East 221/2 feet of the South 100 Feet of Lot 103, Freeman and Brinkley Subdivision, as shown on plat of record in Plat Book 2, Page 131, and filed in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Tax Sale #2, TRD 9413-3 dated August 3, 1983 as shown in the Chancery Court of Tennessee for the Tenth Chancery Division at Memphis.

8. 911 N Main – (Parcel ID# 022-003-00010)

Lot 43, Freeman and Brinkley Subdivision as shown on plat of record in Plat Book 2, Page 131, and filed in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Quit Claim Deed at Instrument Number EA 7044 dated November 8, 1993 and re-recorded at Instrument Number EC 9226 dated January 21, 1994, both filed in the Register's Office of Shelby County, Tennessee.

9. 897 N Main - (Parcel ID# 022-003-00013)

Lot 39, Freeman and Brinkley Subdivision as shown on plat of record in Plat Book 2, Page 131, and filed in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Warranty Deed at Instrument Number ER 6057 dated September 9, 1994, filed in the Register's Office of Shelby County, Tennessee.

10. <u>1112 E Clyde – Parcel ID# 040-010-00016</u>

Lot 73-75, Block A Breedlove Avenue Place Subdivision, as recorded in Plat Book 4, Page 1, less and except the part taken for Thomas Street, and filed in the Register's Office of Shelby County, Tennessee.

Being the same property conveyed to Grantor by Warranty Deed at Instrument Number DF-3148 dated November 13, 1992 and filed in Register's Office of Shelby County, Tennessee.



ARCHWAY TITLE & ESCROW, LLC

2650 Thousand Oaks Blvd. Suite 2140
Memphis, Tennessee 38118
901-290-6620 Office
901-290-0294 Facsimile
monice@haglerlawgroup.com

| I, Monice Moore Hagler, do hereby make oath that I am a licensed attorney and/or the | he custodia | ın |
|--|-------------|----|
| of the original version of the electronic document tendered for registration herew | ith and the | at |
| this electronic document is a true and exact copy of the original document ex | xecuted an | ıd |
| authenticated according to law on $8/25/21$. | | |

Affiant - Monice Moore Hagler

STATE OF TENNESSEE COUNTY OF SHELBY

Personally appeared before me, Pamela Gray Addison, a notary public for this county and state, Monice Moore Hagler, who acknowledges that this certification of an electronic certification of an electronic document is true and correct and whose signature I have witnessed.

Notary Signature

MY COMMISSION EXPIRES

10/23/21

Notary's Seal (if on paper)



CITY OF MEMPHIS

COUNCIL AGENDA CHECK OFF SHEET Planning & Development ONE ORIGINAL | DIVISION ONLY STAPLED | Planning & Zoning COMMITTEE: 11/15/2022 TO DOCUMENTS DATE **PUBLIC SESSION:** 11/15/2022 DATEITEM (CHECK ONE) X RESOLUTION ____ REQUEST FOR PUBLIC HEARING **ORDINANCE** Resolution approving the closure of sections of Steele Street and Durham Drive northwest of Coventry Drive, ITEM DESCRIPTION: known as case number SAC 22-007 CASE NUMBER: SAC 22-007 4183 Steele Street (Public intersection of Steele and Coventry Drive to the intersection of Durham Drive and LOCATION: Argonne Street) District 7 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS:** Ampro Industries LLC OWNER/APPLICANT: Andrew Speetjens, Kimley-Horn REPRESENTATIVES: Close and vacate sections of Steele Street and Durham Drive northwest of Coventry Drive REQUEST: +/-4.75 acres AREA: The Division of Planning and Development recommended Approval with conditions RECOMMENDATION: The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing - November 15, 2022 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 10/13/2022 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **POSITION** りるる PRINCIPAL PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL)

COMPTROLLER

CITY ATTORNEY

FINANCE DIRECTOR

COMMITTEE CHAIRMAN

CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

SAC 22-007

RESOLUTION APPROVING THE CLOSURE OF SECTIONS OF STEELE STREET AND DURHAM DRIVE NORTHWEST OF COVENTRY DRIVE, KNOWN AS CASE NUMBER SAC 22-007

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, October 13, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 22-007

LOCATION: 4183 Steele St (Public intersection of Steel and Coventry Drive to the

intersection of Durham Drive and Argonne Street)

COUNCIL DISTRICT(S): District 7, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ampro Industries LLC

REPRESENTATIVE: Andrew Speetjens, Kimley-Horn

REQUEST: Close and vacate sections of Steele Street and Durham Drive

northwest of Coventry Dr.

EXISTING ZONING: Employment District (EMP)

AREA: +/- 4.75 acres

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,

Jordan McKenzie Principal Planner

Land Use and Development Services
Division of Planning and Development

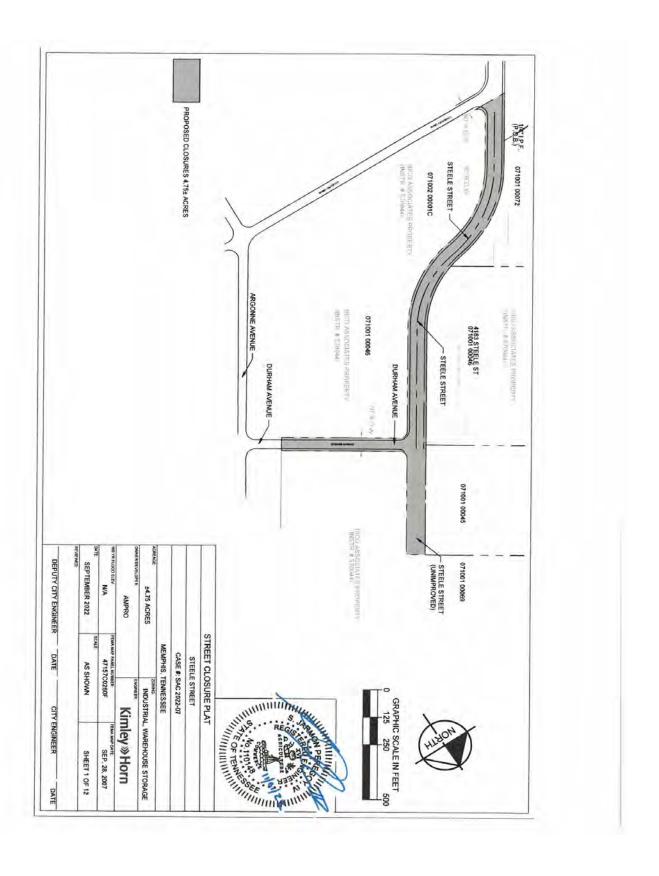
Cc: Committee Members

File

SAC 22-007 CONDITIONS

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. A City sanitary sewer exists in both Steele Street and Durham Drive. A 15 ft sewer easement will be required to protect the existing sewer or a curb to curb "utility easement" can be established to cover the sewer line and any other existing utilities.
- 3. 3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 5. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 7. Must reflect ownership of all lots adjacent to the closure areas.
- 8. Must provide documentation of grantee of property contained within the closure area

CLOSURE PLAT



RESOLUTION

RESOLUTION APPROVING THE VACATION AND CLOSURE OF PORTIONS OF STEELE STREET (80-FOOT-WIDE R.O.W) AND JEFFERSON AVENUE, AND A PORTION OF DURHAM DRIVE (60-FOOT-WIDE R.O.W), KNOWN AS CASE NUMBER SAC 22-007

WHEREAS, the City of Memphis is the owner of real property known as portions of Steele

Street (80-FOOT WIDE R.O.W) and Jefferson Avenue, and a portion of Durham Drive (60-FOOT

WIDE R.O.W.) in Memphis, Tennessee and being more particularly described as follows:

COMMENCING AT 1/4" IRON PIN FOUND AT THE SOUTHEAST CORNER OF IDL-2, LLC PROPERY (INSTURMENT #17131737) ON THE WESTERN RIGHT-OF-WAY OF STEELE STREET (40 FEET FROM CENTERLINE) BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE WITH SAID RIGHT-OF-WAY RUN THE FOLLOWING CALLS: NORTH 34 DEGREES 00 MINUTES 56 SECONDS EAST 125.20 FEET TO A 3/8" IRON PIN FOUND; THENCE WITH A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF 443.52 FEET, A RADIUS OF 540.00 FEET, A CHORD BEARING OF NORTH 57 DEGREES 41 MINUTES 03 SECONDS EAST, AND A CHORD LENGTH OF 431.16 FEET TO A 1/2" IRON PIN SET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 378.78 FEET, A RADIUS OF 460.00 FEET, A CHORD BEARING OF NORTH 57 DEGREES 37 MINUTES 55 SECONDS EAST, AND A CHORD LENGTH OF 368.17 FEET TO A 1/2" IRON PIN SET; THENCE NORTH 34 DEGREES 07 MINUTES 35 SECONDS EAST 528.87 FEET TO A 1/2" IRON PIN FOUND; THENCE NORTH 34 DEGREES 07 MINUTES 40 SECONDS EAST 500.02 FEET TO A 1/2" IRON PIN SET ON THE SOUTHERN BOUNDARY OF BICO ASSOCIATES PROPERTY (INSTRUMNET # \$70944); THENCE LEAVING SAID WESTERN RIGHT-OF-WAY OF STEELE STREET RUN ACROSS STEELE STREET SOUTH 55 DEGREES 52 MINUTES 22 SECONDS EAST 80.00 FEET TO THE EASTERN RIGHT-OF-WAY OF STEELE STREET (40 FEET FROM CENTERLINE); THENCE WITH SAID RIGHT-OF-WAY RUN SOUTH 34 DEGREES 07 MINUTES 40 SECONDS WEST 440.09 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 47.02 FEET, A RADIUS OF 29.83 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 55 MINUTES 02 SECONDS EAST, AND A CHORD LENGTH OF 42.30 FEET TO THE NORTHERN RIGHT-OF-WAY OF DURHAM DRIVE (30 FEET FROM CENTERLINE): THENCE WITH SAID RIGHT-OF-WAY RUN SOUTH 55 DEGREES 52 MINUTES 22 SECONDS EAST 506.00 FEET TO THE SOUTHWEST CORNER OF GREENDALE HOLDING, LLC PROPERTY (INSTRUMENT # 21061862); THENCE LEAVING SAID NORTHERN RIGHT-OF-WAY OF DURHAM DRIVE RUN ACROSS DURHAM DRIVE SOUTH 34 DEGREES 07 MINUTES 38 SECONDS WEST 60.00 FEET TO THE SOUTHERN RIGHT-OF-WAY OF DURHAM DRIVE (30 FEET FROM CENTERLINE) AND THE NORTHWEST CORNER OF EZELL PROPERTY (INSTRUMENT #EU6011); THENCE RUN NORTH 55 DEGREES 52 MINUTES 22 SECONDS WEST 506.00 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 47.02 FEET, A RADIUS OF 29.83 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 10 MINUTES 20 SECONDS WEST, AND A CHORD LENGTH OF 42.30 FEET TO THE EASTERN RIGHT-OF-WAY OF STEELE STREET RUN THE FOLLOWING CALLS: SOUTH 34 DEGREES 07 MINUTES 35 SECONDS WEST 468.97 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF 444.59 FEET, A RADIUS OF 539.99 FEET, A CHORD BEARING OF SOUTH 57 DEGREES 38 MINUTES 05 SECONDS WEST, AND A CHORD LENGTH OF 432.14 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 377.72 FEET, A RADIUS OF 460.00 FEET, A CHORD BEARING OF SOUTH 57 DEGREES 41 MINUTES 24 SECONDS WEST, AND A CHORD LENGTH OF 367.20 FEET; THENCE SOUTH 34 DEGREES 00 MINUTES 56 SECONDS WEST 237.83 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 64.09 FEET, A RADIUS OF 29.96 FEET, A CHORD BEARING OF SOUTH 27 DEGREES 07 MINUTES 21 SECONDS EAST, AND A CHORD LENGTH OF 52.55 FEET TO THE NORTHERN RIGHT-OF-WAY OF COVENTRY DRIVE (30 FEET FROM CENTERLINE); THENCE LEAVING SAID NORTHERN RIGHT OF WAY OF COVENTRY DRIVE RUN ACROSS STEELE DRIVE NORTH 88 DEGREES 15 MINUTES 22 SECONDS WEST 149.04 FEET TO THE WESTERN RIGHT-OF-WAY OF STEELE STREET (40 FEET FRM CENTERLINE); THENCE WITH SAID RIGHT-OF-WAY RUN NORTH 34 DEGREES 00 MINUTES 56 SECONDS EAST 217.52 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 4.75 ACRES.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 13, 2022, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

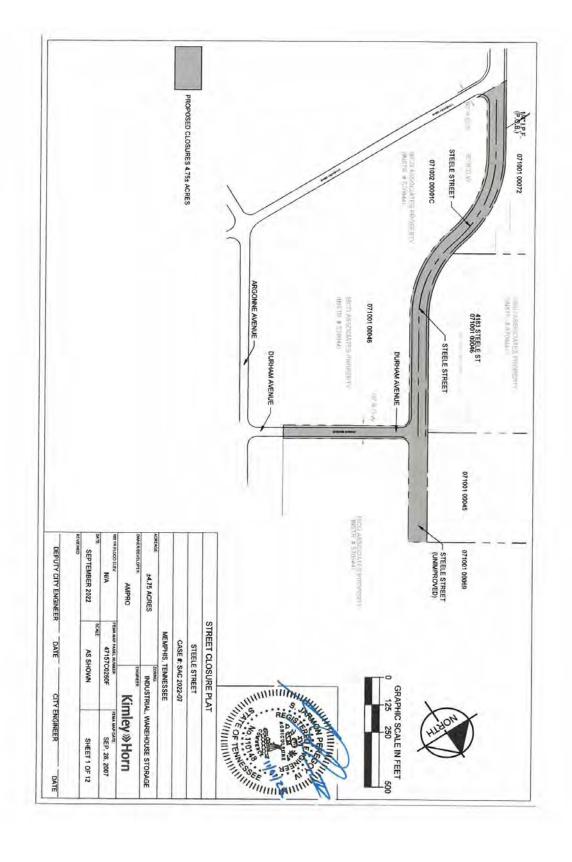
- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. A City sanitary sewer exists in both Steele Street and Durham Drive. A 15 ft sewer easement will be required to protect the existing sewer or a curb to curb "utility easement" can be established to cover the sewer line and any other existing utilities.
- 3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

- 5. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 7. Must reflect ownership of all lots adjacent to the closure areas.
- 8. Must provide documentation of grantee of property contained within the closure area.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above-described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-ofway, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



dpd STAFF REPORT

AGENDA ITEM: 13

CASE NUMBER: SAC 2022-007 L.U.C.B. MEETING: October 13, 2022

LOCATION: 4183 Steele St (Public intersection of Steel and Coventry Drive to the intersection

of Durham Drive and Argonne Street)

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ampro Industries LLC

REPRESENTATIVE: Andrew Speetjens, Kimley-Horn

REQUEST: Close and vacate sections of Steele Street and Durham Drive northwest of

Coventry Dr.

AREA: +/- 4.75 acres

EXISTING ZONING: Employment District (EMP)

CONCLUSIONS

- 1. The applicant is seeking to close and vacate sections of Steele Street and Durham Drive northwest of Coventry Dr.
- 2. The applicant is seeking the closure to ensure more safety and well-being for its employee's and its property by eliminating the illegal dumping and reducing criminal activity along those sections of right-of-way.
- 3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area

CONSISTENCY WITH MEMPHIS 3.0

No comments were received regarding Memphis 3.0 Consistency

RECOMMENDATION

Approval with conditions

Staff Writer: Jordan McKenzie E-mail: Jordan.mckenzie@memphistn.gov

Staff Report October 13, 2022 SAC 2022-007 Page 2

GENERAL INFORMATION

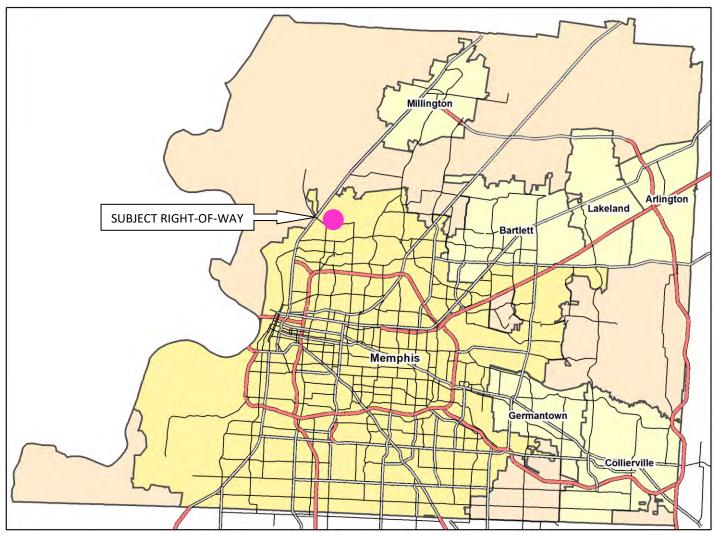
Zoning Atlas Page: 1630 & 1635

Existing Zoning: Employment District (EMP)

PUBLIC NOTICE

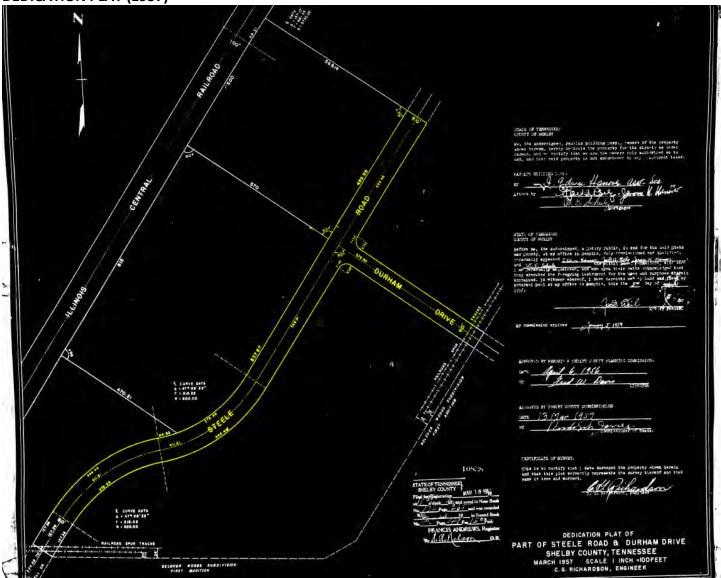
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of **121** notices were mailed on **September 23, 2022**, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



Subject right-of-way located within the pink circle, the rear of the Belover Woods Subdivision

DEDICATION PLAT (1957)



Subject right-of-way highlighted in yellow

VICINITY MAP



Subject right-of-way highlighted in yellow

AERIAL



ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: Employment District (EMP)

Surrounding Zoning

North: Employment District (EMP) and BOA 2014-13

East: Residential Single Family 6 (R6)

South: Residential Single Family 6 (R6), Residential Urban 1 (RU 1), Commercial Mixed Use

1 (CMU-1)

West: Employment District (EMP)

LAND USE MAP



Subject right-of-way outlined in orange

SITE PHOTOS



View of access point to the subject right-of-way from Steele Street looking east



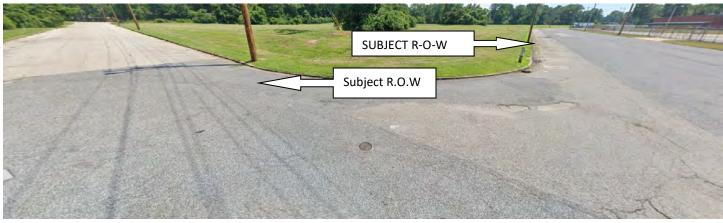
View of access point/intersection of Steele Street and Durham Avenue looking south



View of access point/ intersection of Durham Avenue and Steele Street looking west

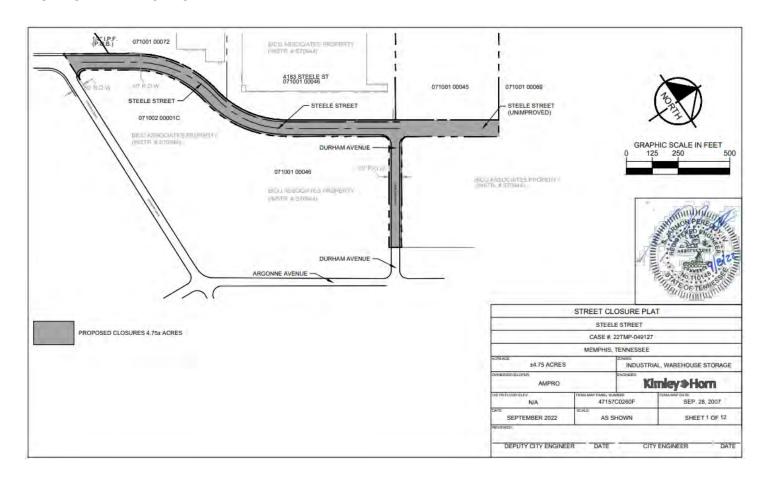


View of access point Durham Avenue from Argonne Street looking North



View from the intersection of Durham Avenue and Steele Street

RIGHT-OF-WAY VACATION PLAT



LEGAL DESCRIPTION

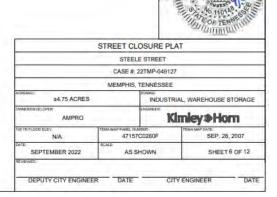
ROAD CLOSURE LEGAL DESCRIPTION

4.75 ACRES, LOCATED IN SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A % IRON PIN FOUND AT THE SOUTHEAST CORNER OF IDL-2, LLC PROPERTY (INSTRUMENT # 17131737) ON THE WESTERN RIGHT-OF-WAY OF STEELE STREET (40 FEET FROM CENTERLINE) BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION. THENCE WITH SAID RIGHT-OF-WAY RUN THE FOLLOWING CALLS. NORTH 34 DEGREES 09 MINUTES 54 SECONDS EAST 125.20 FEET TO A % IRON PIN FOUND. THENCE WITH A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF #43.52 FEET, A RADIUS OF \$40.00 FEET, A CHORD BEARING OF NORTH-ST DEGREES 41 MINUTES 02 SECONDS EAST, AND A CHORD LENGTH OF \$43.15 FEET I A RADIUS OF \$40.00 FEET, A CHORD BEARING OF NORTH-ST DEGREES 37 MINUTES 54 SECONDS EAST, AND A CHORD LENGTH OF \$43.15 FEET I A RADIUS OF \$40.00 FEET, A CHORD BEARING OF NORTH-ST DEGREES 37 MINUTES 54 SECONDS EAST, AND A CHORD LENGTH OF \$43.15 FEET I A RADIUS OF \$40.00 FEET, A CHORD BEARING OF NORTH-ST OF DEGREES 37 MINUTES 54 SECONDS EAST, AND A CHORD LENGTH OF \$43.15 FEET I A RADIUS OF \$40.00 FEET, A CHORD BEARING OF NORTH-ST OF DEGREES 37 MINUTES 54 SECONDS EAST, AND A CHORD LENGTH OF \$43.15 FEET I A RADIUS OF \$40.00 FEET, A CHORD BEARING OF NORTH-ST OF DEGREES 37 MINUTES 54 SECONDS EAST SHOULD SEED A SECONDS WEST OF THE SOUTH-SHOULD SEED A SECONDS WEST SHOULD SEED A SECONDS WE

PROPERTY IS SUBJECT TO RIGHT-OF-WAYS AND EASEMENTS OF RECORD

| CURVE TABLE | | | | | | | |
|-------------|---------|---------|---------------|---------|------------|---------|--|
| CURVE | RADIUS | LENGTH | CHORD BEARING | CHORD | DELTA | TANGENT | |
| C1 | 29.96' | 64.09' | S27°07'21"E | 52.55' | 122°34'03" | 54.68' | |
| C2 | 540.00' | 443.52' | N57°41'03"E | 431.16' | 47°03'32" | 235.13 | |
| C3 | 460.00' | 378.78' | N57°37'55"E | 368.17' | 47°10'48" | 200.87 | |
| C4 | 29.83' | 47.02' | S10°55'02"E | 42.30' | 90°18'29" | 29.99' | |
| C5 | 29.83' | 47.02' | S79°10'20"W | 42.30' | 90°18'38" | 29.99' | |
| C6 | 539.99' | 444.59 | S57°38'05"W | 432.14 | 47°10'24" | 235.77' | |
| C7 | 460.00' | 377.72 | S57°41'24"W | 367.20 | 47°02'51" | 200.24 | |



STAFF ANALYSIS

Request and Reason

The application and letter of intent have been added to this report.

The request is to close and vacate right-of-way of an eastern most portion of Steele Street and the northern most portion of Durham Avenue and the intersection of the two streets. The reason for the request is for the safety and well-being of the applicant's employees against criminal activity and to eliminate illegal dumping.

Site Description

The subject right-of-way is +/- 80-foot wide along the steel street portion and +/- 60 foot wide along Durham Avenue portion, with a total of 2733 linear feet and a total area of +/-4.75 acres between Steele and Durham which starts at the intersection of Coventry Drive and Steele Street and ends at the intersection of Durham Avenue and Argonne Street. The subject right-of-way is located along several parcels (071001 00046, 071001 00072, 071002 00001c and 071001 00069) all owned by Ampro Industries.

Conclusions

The applicant is seeking to close and vacate sections of Steele Street and Durham Drive northwest of Coventry Dr.

The applicant is seeking the closure to ensure more safety and well-being for its employee's and its property by eliminating the illegal dumping and reducing criminal activity along those sections of right-of-way.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. A City sanitary sewer exists in both Steele Street and Durham Drive. A 15 ft sewer easement will be required to protect the existing sewer or a curb to curb "utility easement" can be established to cover the sewer line and any other existing utilities.
- 3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

- 4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 5. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 7. Must reflect ownership of all lots adjacent to the closure areas.
- 8. Must provide documentation of grantee of property contained within the closure area.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Street Closures:

- 1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 2. A City sanitary sewer exists in both Steele Street and Durham Drive. A 15 ft sewer easement will be required to protect the existing sewer or a curb to curb "utility easement" can be established to cover the sewer line and any other existing utilities.
- 3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 4. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
- 5. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 7. Must reflect ownership of all lots adjacent to the closure areas.
- 8. Must provide documentation of grantee of property contained within the closure area.

City/County Fire Division:

- Portions of Steele and Durham are required for fire apparatus access and shall continue to be maintained
 in accordance with section 503. Where security gates are installed that affect required fire apparatus
 access roads, they shall comply with section 503.6 (as amended).
- Existing fire protection water supplies (including fire hydrants) shall be maintained in accordance with section 507.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

LETTER OF INTENT



September 9, 2022

Mr. Jeffery Penzes
Memphis and Shelby County Division of Planning and Development
City Hall, 125 North Main Street, Suite 468
Memphis, Tennessee 38103

RE: Letter of Intent
Ampro Industries, Inc. – Application for Street Closure Approval

Dear Mr. Penzes:

On behalf of the applicant, Ampro Industries, LLC, we are submitting the accompanied application for consideration by the Division of Planning and Development for a physical closure of the portion of right-of-way located at the intersection of Steele Street and Durham Avenue.

Ampro Industries, Inc. hopes to close the portion of these streets in front of their facilities in order to ensure the safety of their employees. Currently, this area is subject to frequent high speed drag racing and excessive littering. Closing the proposed portions of Steele Street and Durham Avenue would significantly improve the safety of workers leaving late in the day or at night. Belz Enterprizes also owns property on the portion of road in question, and have had a good relationship with Ampro by selling land to Ampro and helping them develop their property. They also support the proposed right of way vacation.

If you have any questions regarding our application, please do not hesitate to contact our office with any questions.

Sincerely,

Andrew Speetjens | Analyst

Kimley-Horn | 6750 Poplar Ave, Suite 600, Memphis TN 38138

Direct: 901 701 1370 | Mobile: 601 750 4945

SIGN AFFIDAVIT

| | FFIDAVIT |
|---|--|
| Shelby County State of Tennessee | |
| on the 27 day of September | ly sworn, depose and say that at <u>4:00</u> am, , 20 <u>22</u> , I posted <u>2</u> Public Notice Sign at <u>4171 Steels</u> Steet |
| pertaining to Case No. 310 2007 providing notice of a Public Hearing before | |
| XLand Use Control Board | |
| Board of Adjustment | |
| Memphis City Council Shelby County Board of Commis | ssioners |
| | |
| for consideration of a proposed land attached hereon and a copy of the signereto. | use action, a photograph of said sign(s) be gn purchase receipt or rental contract attac |
| attached hereon and a copy of the signereto. | gn purchase receipt or rental contract attac |
| attached hereon and a copy of the signature | use action, a photograph of said sign(s) be gn purchase receipt or rental contract attace |
| attached hereon and a copy of the signereto. Benjamin Chane Owner, Applicant or Representative | gn purchase receipt or rental contract attac 9/27/2022 Date |
| attached hereon and a copy of the signereto. Benjamin Chane Owner, Applicant or Representative Subscribed and sworn to before me this | gn purchase receipt or rental contract attac |
| attached hereon and a copy of the signereto. Benjamin Chane Owner, Applicant or Representative | gn purchase receipt or rental contract attac 9/27/2022 Date |

LETTERS RECEIVED

One letter opposition, which was a petition of 16 signatures from the neighborhood, was received at the time of completion of this report and have subsequently been attached.

| | Petition Opposing Co | | |
|-----------------------------|---|--|--------------------|
| We, the Residents | Covertry Dr Residents vs / of Covertry Drive, are agains | | to sections of |
| | Steele Street and I | | |
| We cannot quantify t | he negative impact that will | be imposed on the resider | ats who reside |
| on Coventry or between | een Steele and Argonna, Tr | te proposed place will divort | vehicles. |
| NORTH PARK, THE TAN | street. Our neighborhood strilles with young children as v | and as oblive securiores, with a | www.resided.on |
| conductal on the lattice of | NIFT 4 decades will mouth him | influences that their increasion in cit. | vaffic and |
| on reta, cautificults and e | ction of the proposed closure sc. These drivers may be ren | restant to Commentic Fire anyther | WARM INVESTIGATE |
| THE RESERVOIR DE | All SACORI OF DESIGNATION IN Physic Brown | th accountly moved them calciforable backs | pus thusir risilly |
| from Ampro is granted. | speed bumps and blue light | police cameras be installed | I, if the request |
| Name | Address | Signature | Date |
| Bethy Hobson | IMY Coventry Dr | B. It. Hobson | 9/24/22 |
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| Andre Carlot 15 | 815 Covertey Dr | Landis Englis | 18.1.00 |
| Delicia Hall 180 | 4 Coventy Dr | HOT | 10-1-22 |
| | 9 | The | 10-1-2025 |
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Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Assignment

Opened Date: September 8, 2022

Record Number: SAC 2022-007 Expiration Date:

Record Name: Steele St and Durham Ave

Description of Work: All of the properties adjacent to the proposed street closure belong to two property owners, and are seeking to ensure the safety of employees and property owners on Steele Street and Durham Avenue.

Parent Record Number:

Address:

Owner Information

Primary

Owner Name

Ν

Owner Address Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner
Date of Meeting
GENERAL INFORMATION

Jeffery Penzes 08/09/2022

Page 1 of 4 SAC 2022-007

GENERAL INFORMATION

Argonne

What is the reason for the street closure? We are seeking this road closure in order to

increase the safety of Ampro employees and cleanliness of the roadway. Currently the roadway is being used to litter and is subject to excessive drag

racing. 206696

No

No

Steele St and Durham Ave

What is the total area of the right-of-way being

closed?

What is the overall length of the street closure? 2733

Name of Street/Alley/ROW

Is this application in response to a citation from Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers

GIS INFORMATION

Case Layer -

Central Business Improvement District No Class -

Downtown Fire District

Historic District

Land Use

No

Municipality Overlay/Special Purpose District -

Zoning State Route -

Lot -

Subdivision - Planned Development District -

Wellhead Protection Overlay District

Data Tables

Property Owners

Property Address: 4183 Steele Street

Property Owner Name: CHMJ-R LLC

Mailing Address (if different than property

different triair property

address):

6465 N Quail Hollow Rd, #200, Memphis, TN 38120-1448

Property Address: 4171 Steele Street

Property Owner Name: IDL-2 LLC

Mailing Address (if

different than property

address):

7152 Bell Manor CV, Germantown, TN, 38139-1900

Page 2 of 4 SAC 2022-007

0 Steele Street **Property Address:** CHMJ-R LLC **Property Owner Name:**

Mailing Address (if different than property 7152 Bell Manor CV, Germantown, TN 38139-1900

address):

address):

Note: Parcel ID: 071001 00045

6.55 acre property North of the intersection of Steele Street and Durham

Drive

0 Overton Crossing Street **Property Address:**

Property Owner Name: Bico Associatees

Mailing Address (if different than property 7152 Bell Manor CV, Germantown, TN 38139-1900

7152 Bell Manor CV, Germantown, TN 38138-1900

Note: Parcel ID: 071001 00069

45.6 acre property located Northeast of Durham Rd and Southwest of

Overton Crossing Street

0 Steele Street **Property Address:**

C & H Enterprises VI **Property Owner Name:**

Mailing Address (if different than property

address):

Note:

Parcel ID: 071002 00001C

15.5 acre property located South of the intersection of Steele St and

Durham Dr

0 Steele Street **Property Address: Property Owner Name:** CHMJ-R LLC

Mailing Address (if different than property 7152 Bell Manor CV, Germantown, TN 38139-1900

address):

Note: Parcel ID: 071001 00071

2.714 acre property located northwest of the intersection of Steele St and

Coventry Dr

Contact Information

Name **Contact Type** KIMLEY-HORN **APPLICANT**

Address

SAC 2022-007 Page 3 of 4

Phone

(901)378-0105

| Fee Information | | | | | | |
|-----------------|---------------------------|----------|--------|----------|---------|---------------|
| Invoice # | Fee Item | Quantity | Fees | Status | Balance | Date Assessed |
| 1412584 | Right of Way | 1 | 400.00 | INVOICED | 0.00 | 09/08/2022 |
| | Vacation/Closure Fee | | | | | |
| 1412584 | Credit Card Use Fee (.026 | 1 | 10.40 | INVOICED | 0.00 | 09/08/2022 |
| | x fee) | | | | | |

Total Fee Invoiced: \$410.40 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$410.40 Credit Card

Page 4 of 4 SAC 2022-007



September 8, 2022

Mr. Jeffery Penzes Memphis and Shelby County Construction Code Enforcement City Hall, 125 North Main Street, Suite 468 Memphis, Tennessee 38103

RE: Owner Affidavit

Ampro Industries, Inc. 4183 Steele St Memphis, TN 38127

Dear Mr. Penzes:

The Owner Affidavits will be submitted at a latter date or upon request.

If you have any questions regarding our application, please do not hesitate to contact our office with any questions.

Sincerely,

Andrew Speetjens | Analyst

Kimley-Horn | 6750 Poplar Ave, Suite 600, Memphis TN 38138

Direct: 901 701 1370 | Mobile: 601 750 4945



September 9, 2022

Mr. Jeffery Penzes
Memphis and Shelby County Division of Planning and Development
City Hall, 125 North Main Street, Suite 468
Memphis, Tennessee 38103

RE: Letter of Intent

Ampro Industries, Inc. - Application for Street Closure Approval

Dear Mr. Penzes:

On behalf of the applicant, Ampro Industries, LLC, we are submitting the accompanied application for consideration by the Division of Planning and Development for a physical closure of the portion of right-of-way located at the intersection of Steele Street and Durham Avenue.

Ampro Industries, Inc. hopes to close the portion of these streets in front of their facilities in order to ensure the safety of their employees. Currently, this area is subject to frequent high speed drag racing and excessive littering. Closing the proposed portions of Steele Street and Durham Avenue would significantly improve the safety of workers leaving late in the day or at night. Belz Enterprizes also owns property on the portion of road in question, and have had a good relationship with Ampro by selling land to Ampro and helping them develop their property. They also support the proposed right of way vacation.

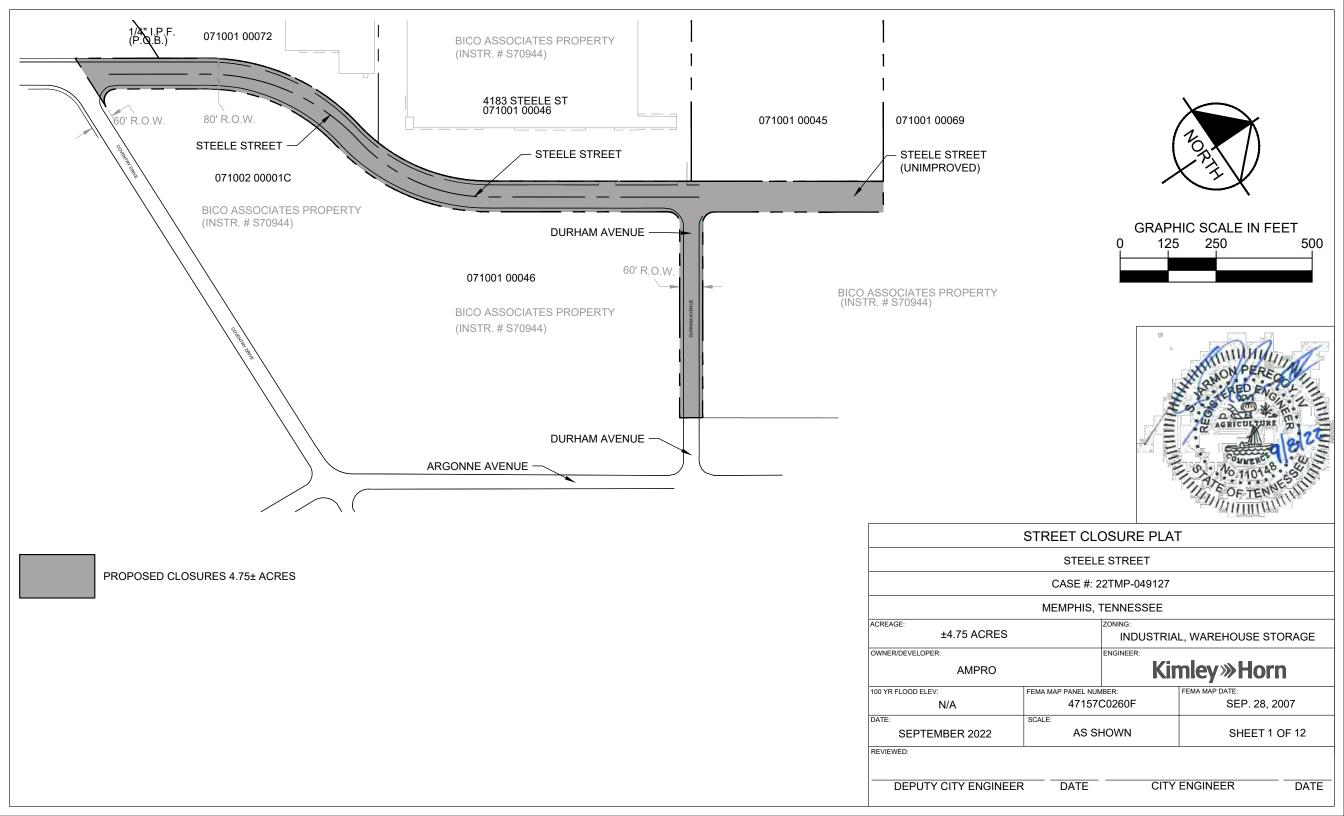
If you have any questions regarding our application, please do not hesitate to contact our office with any questions.

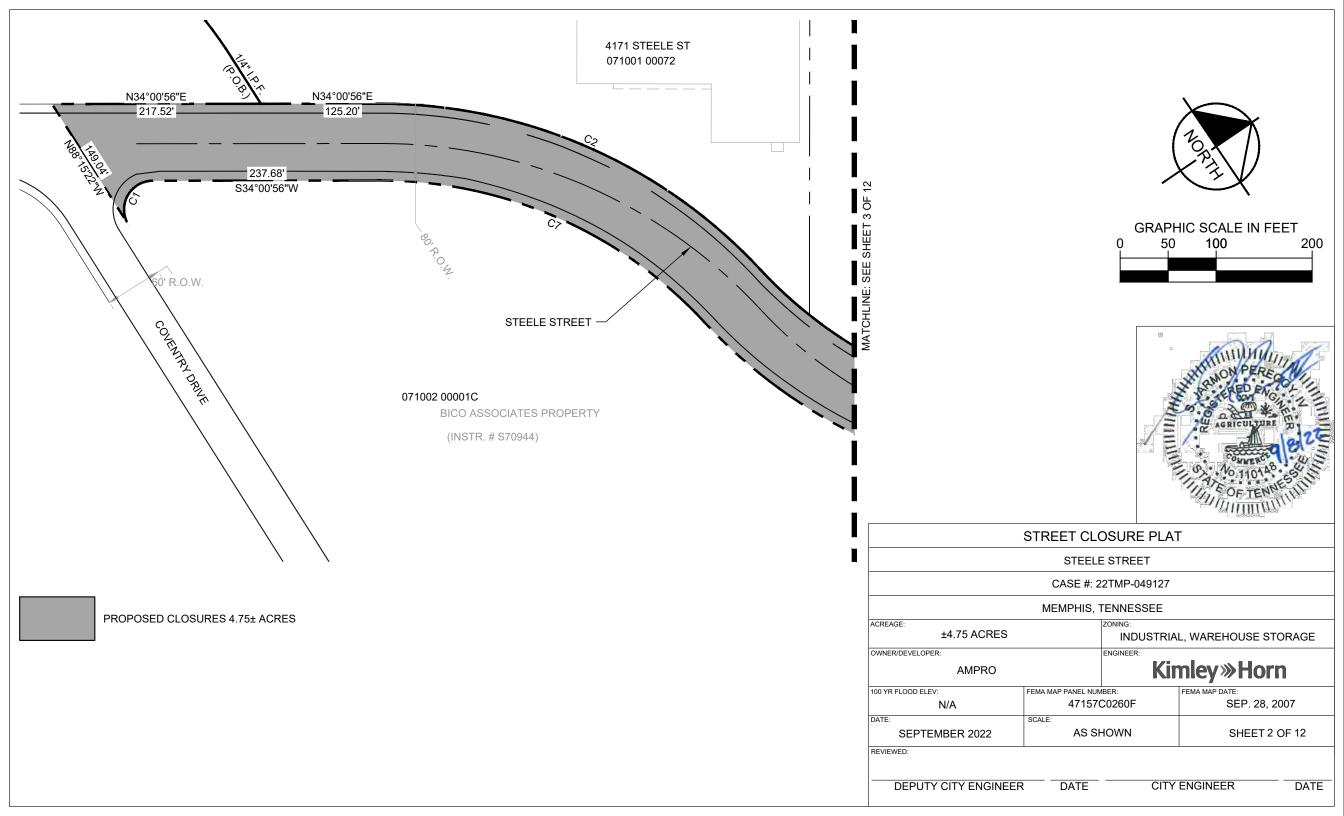
Sincerely,

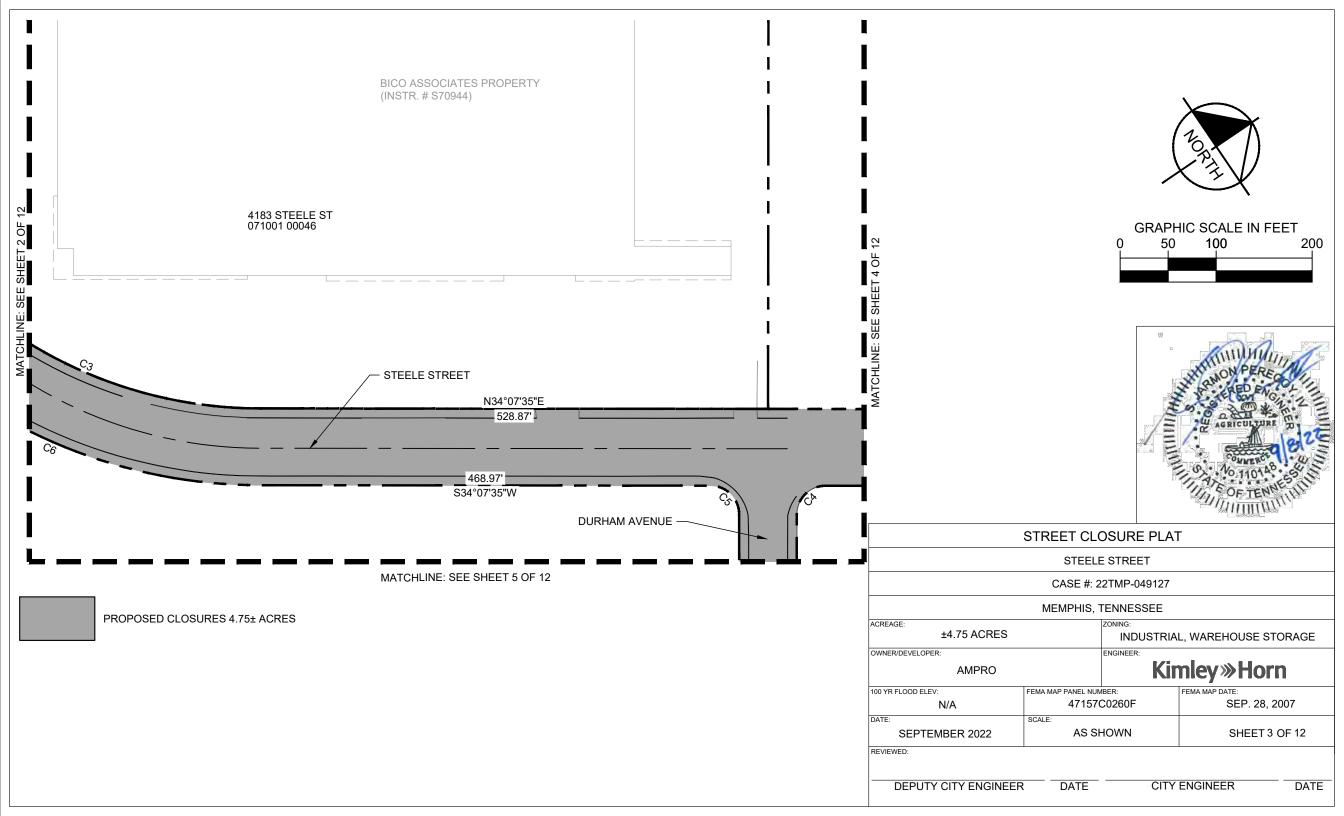
Andrew Speetjens | Analyst

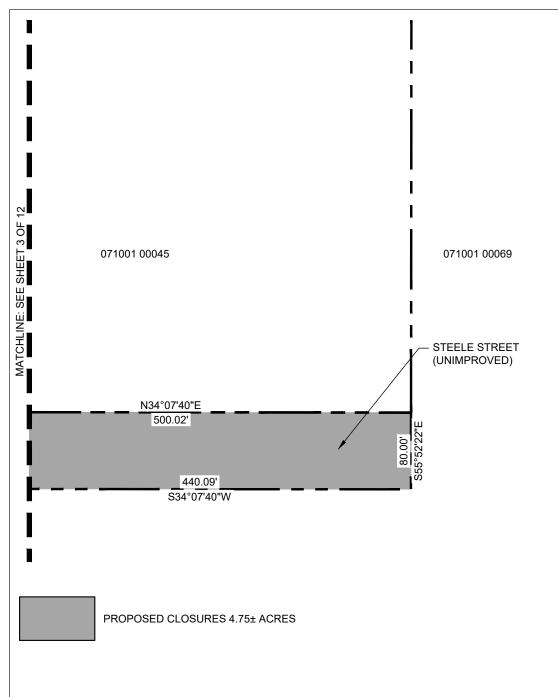
Kimley-Horn | 6750 Poplar Ave, Suite 600, Memphis TN 38138

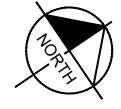
Direct: 901 701 1370 | Mobile: 601 750 4945



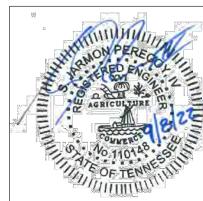




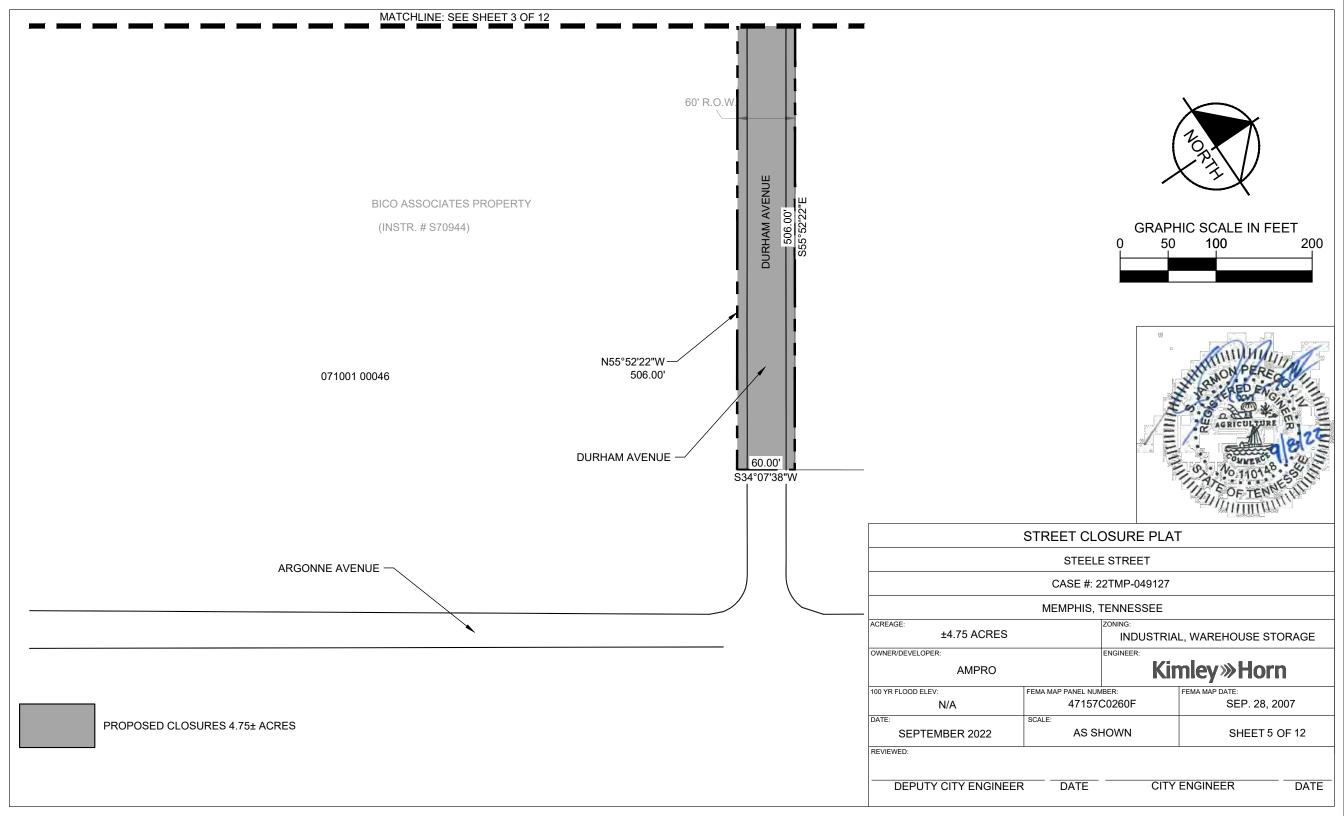








| STREET CLOSURE PLAT | | | | | | | |
|--|----------------------|---------------|----------------|--|--|--|--|
| STEELE STREET | | | | | | | |
| | CASE #: 22TMP-049127 | | | | | | |
| | MEMPHIS, 7 | TENNESSEE | | | | | |
| ACREAGE: ±4.75 ACRES | | | | | | | |
| OWNER/DEVELOPER: AMPRO | | engineer: Kir | mley»Horn | | | | |
| 100 YR FLOOD ELEV: | FEMA MAP PANEL NUM | IBER: | FEMA MAP DATE: | | | | |
| N/A | 471570 | C0260F | SEP. 28, 2007 | | | | |
| SEPTEMBER 2022 | SCALE: | HOWN | SHEET 4 OF 12 | | | | |
| REVIEWED: | | | | | | | |
| DEPUTY CITY ENGINEER DATE CITY ENGINEER DATE | | | | | | | |



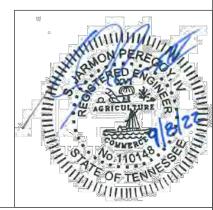
ROAD CLOSURE LEGAL DESCRIPTION

4.75 ACRES, LOCATED IN SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

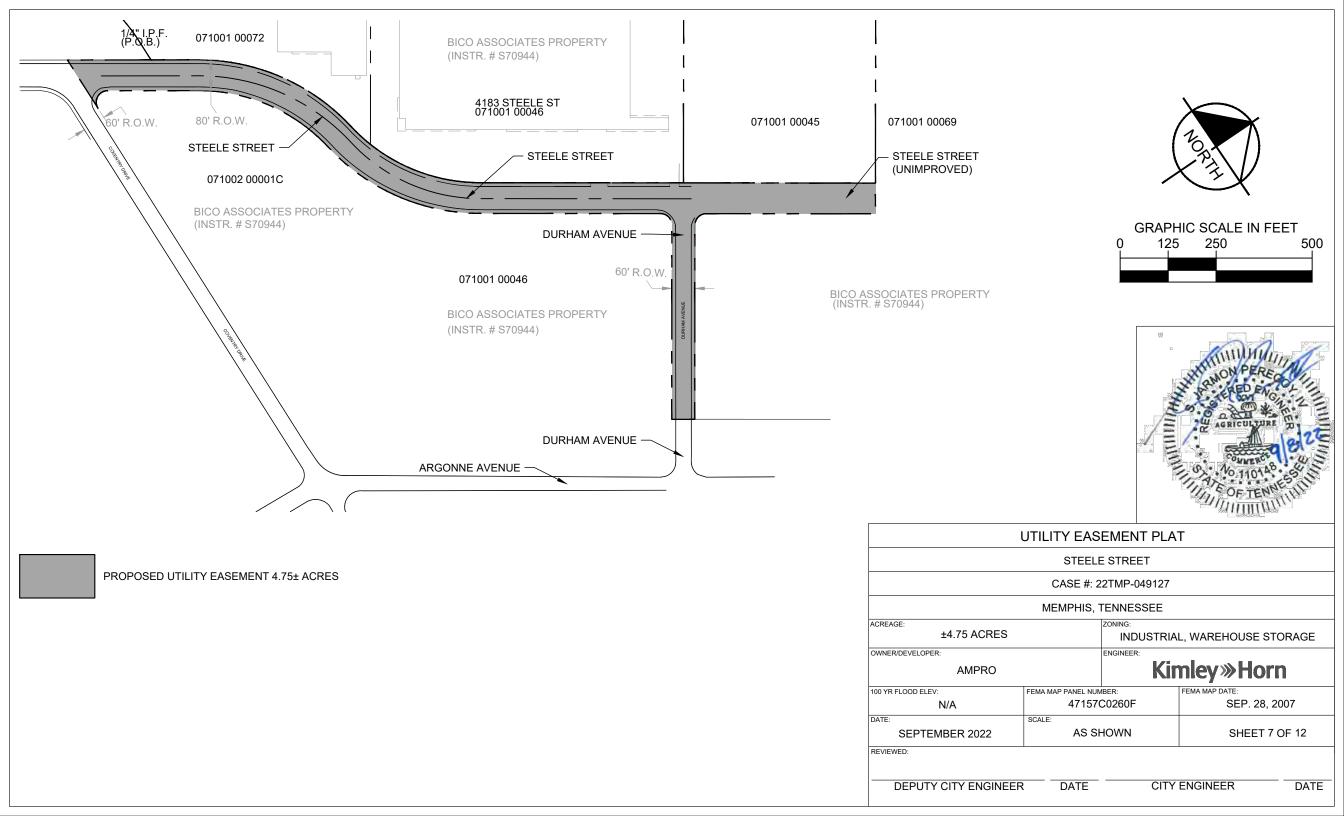
COMMENCING AT A 1/4" IRON PIN FOUND AT THE SOUTHEAST CORNER OF IDL-2, LLC PROPERTY (INSTRUMENT # 17131737) ON THE WESTERN RIGHT-OF-WAY OF STEELE STREET (40 FEET FROM CENTERLINE) BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE WITH SAID RIGHT-OF-WAY RUN THE FOLLOWING CALLS: NORTH 34 DEGREES 90 MINUTES 54 SECONDS EAST, AND A CHORD LENGTH OF 4/31.16 FEET, A RADIUS OF 540,00 FEET, A CHORD BEARING OF NORTH 57 DEGREES 41 MINUTES 92 SECONDS EAST, AND A CHORD LENGTH OF 4/31.16 FEET TO A 1/4" IRON PIN SET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 378.78 FEET, A RADIUS OF 460.00 FEET, A CHORD BEARING OF NORTH 57 DEGREES 37 MINUTES 54 SECONDS EAST, AND A CHORD LENGTH OF 388.17 FEET TO A 1/4" IRON PIN SET; THENCE NORTH 34 DEGREES 07 MINUTES 34 SECONDS EAST 558.92 FEET; THENCE LEAVING SAID WESTERN RIGHT-OF-WAY OF STEELE STREET RUN ACROSS STEELE STREET AND WITH THE NORTHERN RIGHT-OF-WAY OF DURHAM DRIVE (30 FEET FROM CENTERLINE) SOUTH 55 DEGREES 52 MINUTES 23 SECONDS EAST 615.93 FEET TO THE SOUTHWEST CORNER OF GREENDALE HOLDING, LLC PROPERTY (INSTRUMENT # 21061862); THENCE LEAVING SAID NORTHERN RIGHT-OF-WAY OF DURHAM DRIVE SOUTH 34 DEGREES 07 MINUTES 37 SECONDS WEST 60.00 FEET TO THE SOUTHERN RIGHT-OF-WAY OF DURHAM DRIVE (30 FEET FROM CENTERLINE) AND THE NORTHWEST CORNER OF EZELL PROPERTY (INSTRUMENT # EU6011); THENCE WITH SAID RIGHT-OF-WAY RUN NORTH 55 DEGREES 52 MINUTES 23 SECONDS WEST 60.00 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 47.02 FEET, A RADIUS OF 30.00 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 10 MINUTES 18 SECONDS WEST, AND A CHORD LENGTH OF 42.30 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 444.59 FEET, A RADIUS OF 540.00 FEET, A CHORD BEARING OF SOUTH 57 DEGREES 38 MINUTES 34 SECONDS WEST, AND A CHORD LENGTH OF 432.14 FEET; THENCE WITH A CURVE TURNING TO THE LEFT HAVING AN ARC LENGTH OF 377.72 FEET, A RADIUS OF 540.00 FEET, A CHORD BEARING OF SOUTH 57 DEGREES 41 MINUTES 23 SECONDS WEST, AND A CHORD LENGTH OF 432.14 FEET; THENC

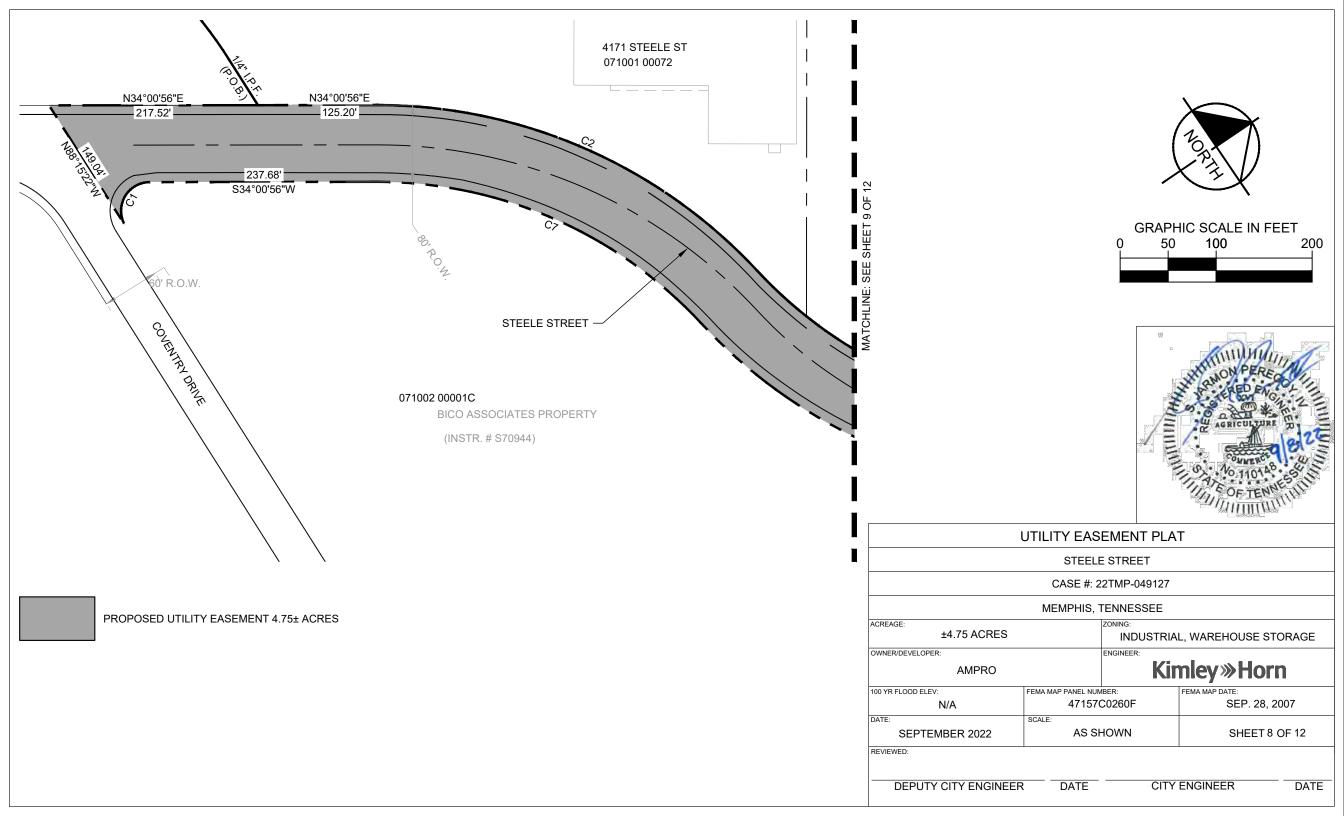
PROPERTY IS SUBJECT TO RIGHT-OF-WAYS AND EASEMENTS OF RECORD

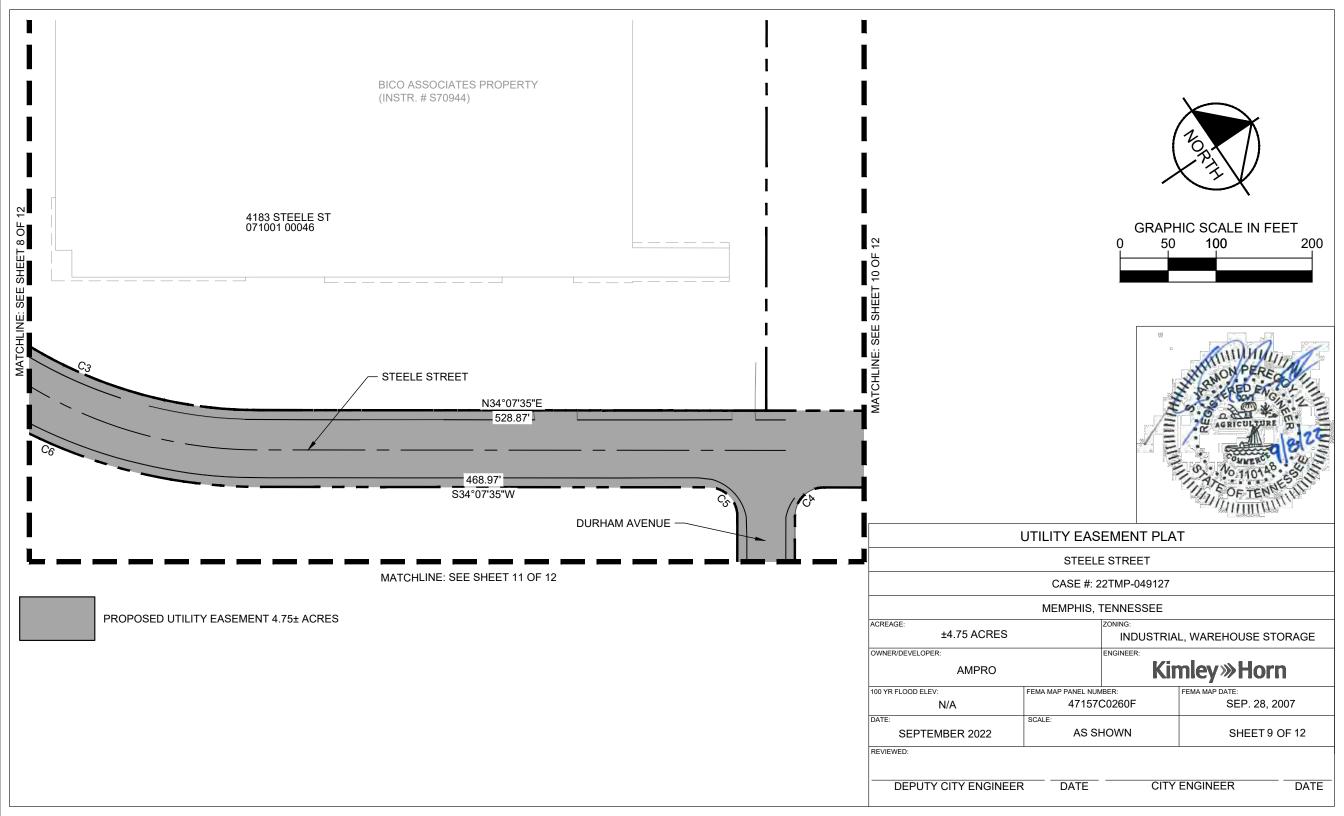
| | CURVE TABLE | | | | | | |
|-------|-------------|---------|---------------|---------|------------|---------|--|
| CURVE | RADIUS | LENGTH | CHORD BEARING | CHORD | DELTA | TANGENT | |
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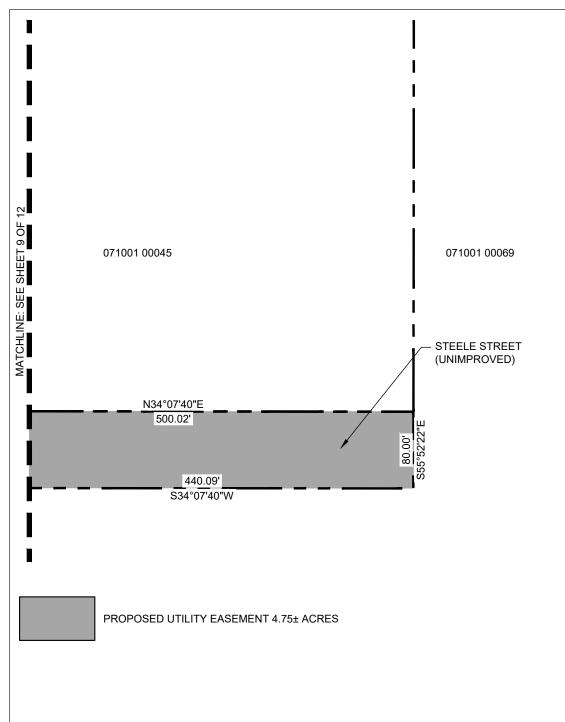


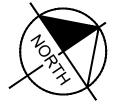
| STREET CLOSURE PLAT | | | | | | | |
|----------------------|--------------------|-------------------|------------------|-----------|--|--|--|
| STEELE STREET | | | | | | | |
| CASE #: 22TMP-049127 | | | | | | | |
| | MEMPHIS, 1 | ΓENNESSE | E | | | | |
| ACREAGE: ±4.75 ACRES | | ZONING: INDUST | TRIAL, WAREHOUSE | STORAGE | | | |
| OWNER/DEVELOPER: | | ENGINEER: | | | | | |
| AMPRO | | Kimley»Horn | | | | | |
| 100 YR FLOOD ELEV: | FEMA MAP PANEL NUM | IBER: | FEMA MAP DATE: | | | | |
| N/A | 471570 | C0260F | SEP. 2 | 28, 2007 | | | |
| DATE: | SCALE: | | | | | | |
| SEPTEMBER 2022 AS SH | | HOWN | SHEE | T 6 OF 12 | | | |
| REVIEWED: | | | | | | | |
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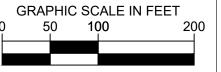






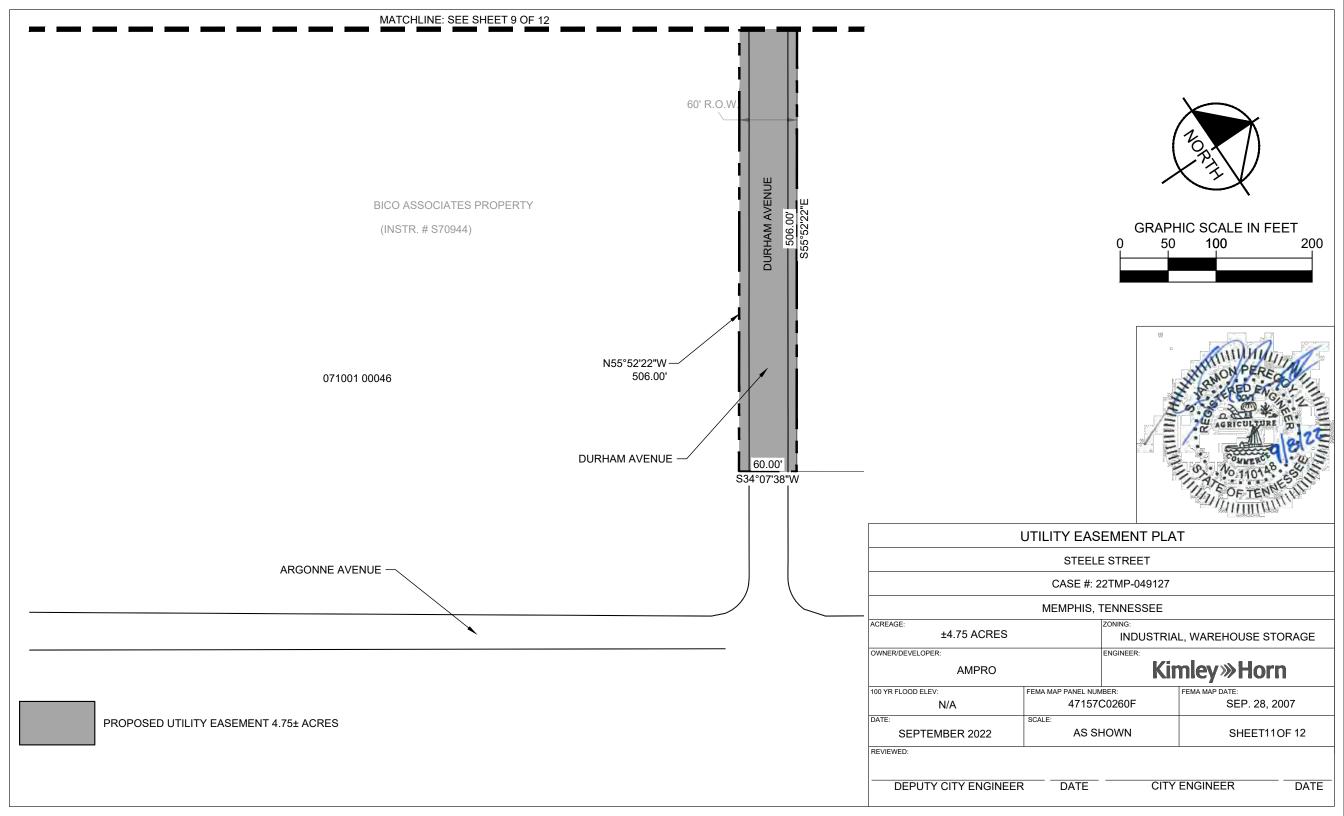








| | | | | | _ | |
|---|--------------------|--------|-------------|----------------|-----------|--|
| UTILITY EASEMENT PLAT | | | | | | |
| STEELE STREET | | | | | | |
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| ACREAGE: ZONING: ±4.75 ACRES INDUSTRIAL, WAREHOUSE STORAGE | | | | | STORAGE | |
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| N/A | 471570 | C0260F | | SEP. 2 | 8, 2007 | |
| DATE: | SCALE: | | | | | |
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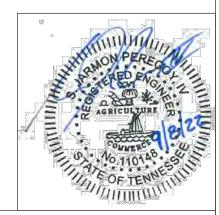
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PROPERTY IS SUBJECT TO RIGHT-OF-WAYS AND EASEMENTS OF RECORD

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| UTILITY EASEMENT PLAT | | | | | | | |
|---|--------------------|-----------------------|---------------|----------------|--|--|--|
| STEELE STREET | | | | | | | |
| CASE #: 22TMP-049127 | | | | | | | |
| | MEMPHIS, | TENNESSE | E | | | | |
| ACREAGE: ±4.75 ACRES | | | | | | | |
| OWNER/DEVELOPER: | | ENGINEER: | | | | | |
| AMPRO | | Kimley ** Horn | | | | | |
| 100 YR FLOOD ELEV: | FEMA MAP PANEL NUM | MBER: FEMA MAP DATE: | | | | | |
| N/A | 471570 | C0260F | SE | EP. 28, 2007 | | | |
| DATE: | SCALE: | | | | | | |
| SEPTEMBER 2022 | HOWN | s | HEET12OF 12 | | | | |
| REVIEWED: | | | ' | | | | |
| DEPUTY CITY ENGINEER | DATE | | CITY ENGINEER | | | | |
| 5.1.1 | | | | <i>D</i> , (12 | | | |

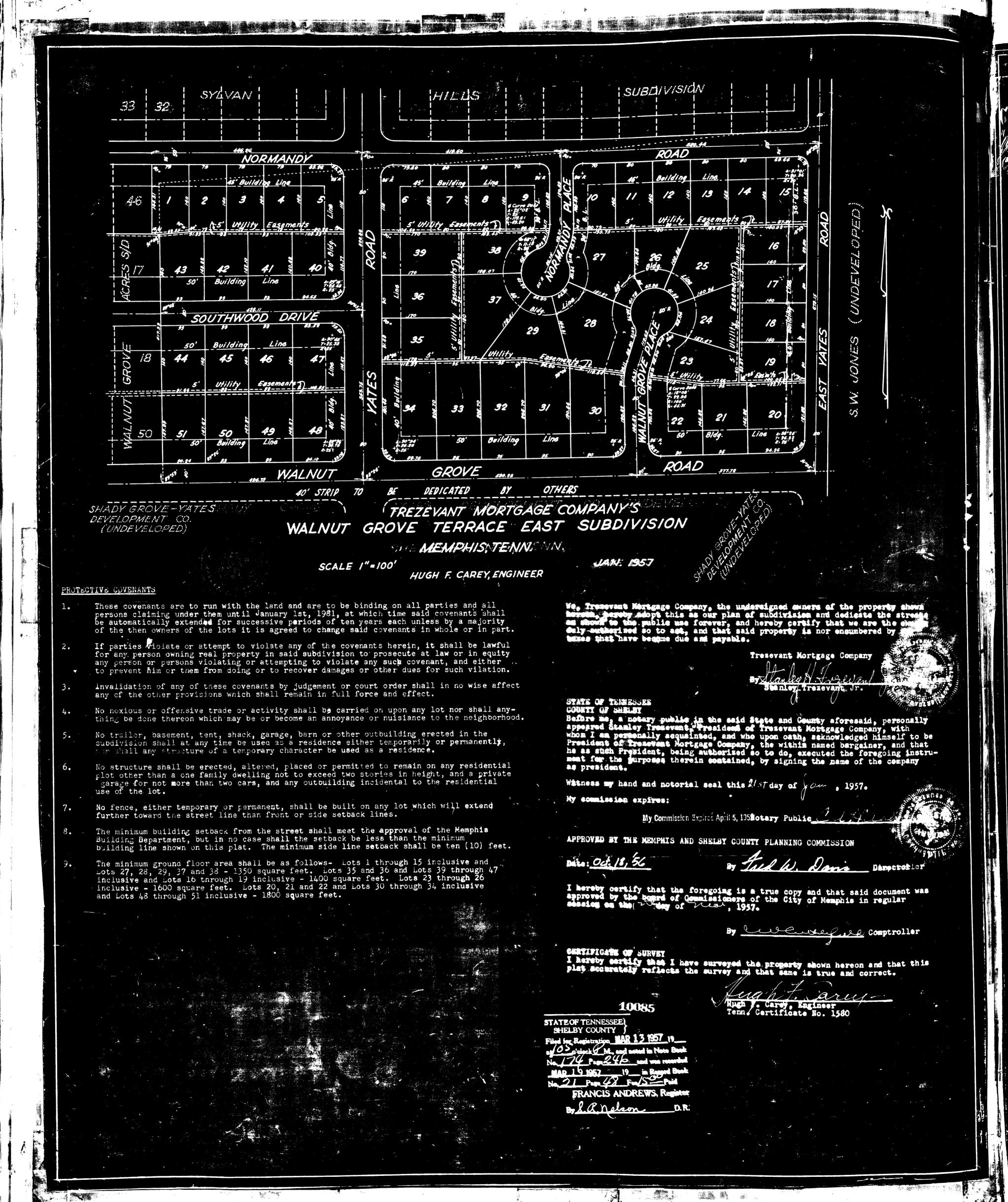
ROAD CLOSURE LEGAL DESCRIPTION

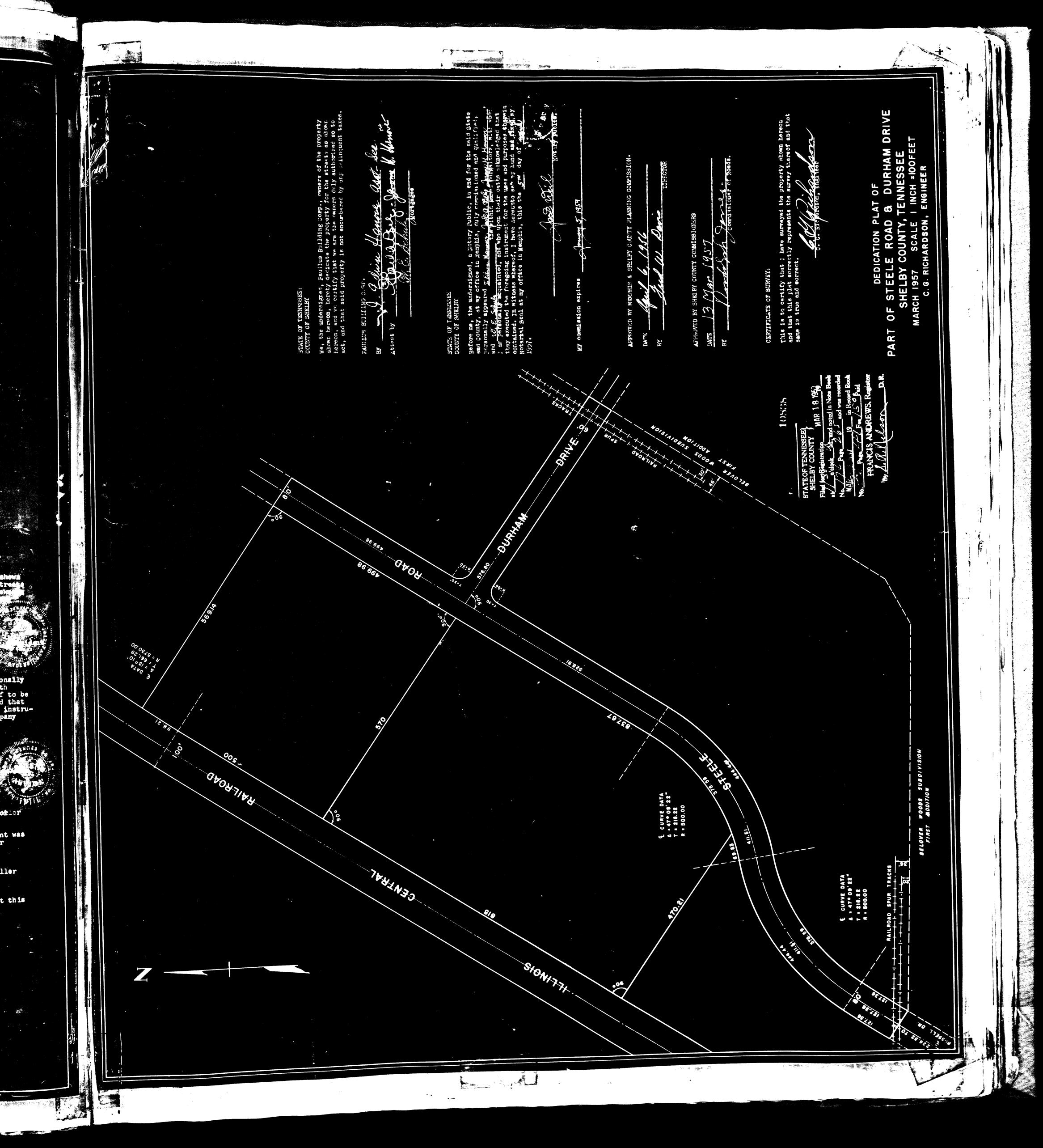
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DEGREES 00 MINUTES 54 SECONDS EAST 163.24 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 4.75 ACRES.

PROPERTY IS SUBJECT TO RIGHT-OF-WAY EASEMENTS OF RECORD







JCR MONTANE LLC 10813 42ND DR SE EVERETT WA 98208 BICO ASSOCIATES PO BOX 3661 # TUCKER JEROME JR 4165 ARGONNE ST # MEMPHIS TN 38173 MEMPHIS TN 38127 WILLIAMS MICHAEL RUNYON INDUSTRIES PROPERTIES LLC MILAM DENNIS P 1191 SNOWDEN FARM CV # 4334 MILLINGTON RD # PO BOX 202 # MEMPHIS TN 38127 COLLIERVILLE TN 38017 **ELLENDALE TN 38029** MANGO TOWERS TENNESSEE RENTALS LLC

3933 MONTE SERENO TER # 4189 ARGONNE ST # SUE ALAN J 1 KEAHOLE PL # FREMONT CA 94539 MEMPHIS TN 38127 HONOLULU HI 96825 DAVIDSON JERRY T & NINA C PO BOX 69 # TATE WILLIE L AND JACQUELINE TATE (RS) HURST CAMERON
1980 DURHAM AVE # 4159 ARGONNE ST
MEMPHIS TN 38127 MEMPHIS TN 38127 4159 ARGONNE ST # MILLINGTON TN 38083 MEMPHIS TN 38127 MEMPHIS TN 38127 LOVE ROSE MARIE AND CEDRIC L SULLIVAN MOSLEY ERIKA AND SHANI BEDIAKO AND CARRUTHERS UNNTASHAY 1418 TUTWILER AVE # 877 PEARCE ST # 4236 ARGONNE ST # MEMPHIS TN 38127 MEMPHIS TN 38107 MEMPHIS TN 38107 KYSY INVESTMENTS LLC 706 NE 191ST ST # HUDSON CHRIS ONEAL ANDREW 5 N THIRD ST # 119 KENTUCKY AVE # MCGUIRE AIR FORCE BASE NJ 8641 OAK RIDGE TN 37830 MEMPHIS TN 38103 JONES KIMBERLY
4177 ARGONNE ST # VB ONE LLC CROSSNO THOMAS D & GLENDA J 3500 PARK CENTER DR #100 3071 MAGEVNEY ST # DAYTON OH 45414 MEMPHIS TN 38127 MEMPHIS TN 38128 WILSON JAMES W & CLARA F JACKSON JAMES O
4225 ARGONNE ST # 4186 ARGONNE ST # BUNNING PAUL E AND BRIAN PINDER (ESTATE PO BOX 221 MEMPHIS TN 38127 MEMPHIS TN 38127 **BLOOMING GROVE NY 10914** WILLIAMS FRED L MAJESTIC DEVELOPMENTS LLC CHMJ-R LLC 4228 ARGONNE ST # 2056 WELLONS AVE # 7152 BELL MANOR CV MEMPHIS TN 38127 MEMPHIS TN 38127 **GERMANTOWN TN 38139** GOWAN HOLDINGS LLC SALLIS ELIZABETH A PATTERSON JOHN H & KATTIE L 1507 16TH AVE S ## V8 4226 ARGONNE ST # 4149 COVENTRY DR #

NASHVILLE TN 37212

MEMPHIS TN 38127

MEMPHIS TN 38127

| BROWN CIFTON AND JESSIE SNIPES 1804 COVENTRY DR # MEMPHIS TN 38127 | 1821 COVENTRY DR # | NEW 401K PLAN 2355 S YANK CIR # DENVER CO 80228 |
|---|--|--|
| JN US INVESTMENTS, LLC | GRAY JAMES 1831 COVENTRY DR # MEMPHIS TN 38127 | FIELDS TAMEKO L 1406 SAWMILL CREEK LN # CORDOVA TN 38016 |
| JENSEN KYLE | GROSS THELMA H H & CLIFFORD A | CHURCHILL LARRY J JR |
| PO BOX 1763 # | 1837 COVENTRY DR # | 1801 BALDWIN AVE # |
| RANCHO SANTA FE CA 92067 | MEMPHIS TN 38127 | MEMPHIS TN 38127 |
| GOODWIN FELIX 1834 COVENTRY DR # MEMPHIS TN 38127 | MEMPHIS HOME RENTALS LLC PO BOX 382371 # GERMANTOWN TN 38183 | 4231 ARGONNE ST # |
| HILL LEONARD | MCDANIEL RUDOLPH | C & H ENTERPRISES VI LLC |
| 1842 COVENTRY DR # | 1776 BALDWIN AVE # | 7125 BELL MANOR CV |
| MEMPHIS TN 38127 | MEMPHIS TN 38127 | GERMANTOWN TN 38138 |
| BRADLEY DEDRICK D JR | BOSSE ISABELLA S TRUST | WILLIAMS BARBARA A |
| 1862 COVENTRY CV | 1786 BALDWIN AVE # | 4232 ARGONNE ST # |
| MEMPHIS TN 38127 | MEMPHIS TN 38127 | MEMPHIS TN 38127 |
| BOURGEOIS AURELIA A | DORTCH STEVEN S JR | RATLIFF LINDA F |
| 1870 COVENTRY DR # | 9060 NEW BETHEL RD # | 4219 COVENTRY DR # |
| MEMPHIS TN 38127 | MILLINGTON TN 38053 | MEMPHIS TN 38127 |
| STOLTZFUS DAVID | RICE EDWARD S | EZELL CALVIN SR & ESSIE M |
| 127 MEADOWCREEK RD # | PO BOX 271434 # | 4199 ARGONNE ST # |
| NEW HOLLAND PA 17557 | MEMPHIS TN 38167 | MEMPHIS TN 38127 |
| CALDWELL INVESTMENT SERVICES TRUST 9005 GANDY CV # MEMPHIS TN 38133 | HUTSON WAYNE D PO BOX 3532 # CORDOVA TN 38088 | MCMILLAN LILLIE J 1970 DURHAM AVE # MEMPHIS TN 38127 |
| CAMPBELL CLAUDIE JR | JACKSON MARTHA W | HOLLOWELL JANICE F |
| 1815 COVENTRY DR # | 3696 TWINMONT # | 1969 DURHAM AVE # |

MEMPHIS TN 38128

MEMPHIS TN 38127

MEMPHIS TN 38127

ALLEN GEORGE C & JANET L 1820 COVENTRY DR # MEMPHIS TN 38127

IDL-2 LLC 6465 N QUAIL HOLLOW RD #200 MEMPHIS TN 38120

GOODWIN FELIX 1834 COVENTRY DR # MEMPHIS TN 38127

GOGO REAL ESTATE LLC 10686 WAR ADMIRAL DR **UNION KY 41091**

MEMPHIS TN 38122

BUTLER PROPERTIES LLC VB ONE LLC 4435 SUMMER AVE # 3500 PARK CENTER DR #100 DAYTON OH 45414

BICO ASSOCIATES PO BOX 3661 # MEMPHIS TN 38173

1794 BALDWIN AVENUE TRUST 11001 W 120TH AVE #400 BROOMFIELD CO 80021

REED SHERRY 1764 BALDWIN AVE # MEMPHIS TN 38127

AV HOMES LLC 310 GERMANTOWN BEND CV #103 CORDOVA TN 38018

HILL PHIL D & MEHALEE G 1785 BALDWIN AVE # MEMPHIS TN 38127

CHMJ-R LLC 7152 BELL MANOR CV **GERMANTOWN TN 38139**

MAYS ANNE 1793 BALDWIN AVE # MEMPHIS TN 38127

EQUITY TRUST CO CUST FBO 465 VISTA DEL RANCHO #465 CHULA VISTA CA 91910

RUNYON INDUSTRIES PROPERTIES LLC 4300 MILLINGTON RD # MEMPHIS TN 38127

GREENDALE HOLDING LLC 1835 E HALLANDALE BEACH BLVD #551 HALLANDALE FL 33009



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



21114642

09/15/2021 - 09:34:09 AM

| 4 PGS | |
|---------------------------|----------|
| HERTHA 2300539 - 21114642 | |
| VALUE | 29644.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 109.68 |
| RECORDING FEE | 20.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 1.00 |
| TOTAL AMOUNT | 132.68 |

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY:

Andrea S. Bienstock, Esq. 100 Peabody Place, Suite 1400 Memphis, Tennessee 38103

RETURN TO:

Stewart G. Austin, Esq, Glankler Brown, PLLC 6000 Poplar Avenue, Suite 400 Memphis, TN 38119

WARRANTY DEED

THIS INDENTURE, made and entered into this <u>13th</u> ay of <u>September2021</u>, by and between, BELZ INVESTCO GP, a Tennessee general partnership (hereinafter referred to as "Grantor") and CHMJ-R, LLC, a Tennessee limited liability company (hereinafter referred to as "Grantee"),

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in Memphis, County of Shelby, State of Tennessee:

BEING A DESCRIPTION OF THE REMAINING PORTION OF PROPERTY GROUP "A" – PARCEL 1 OF THE BICO ASSOCIATES PROPERTY AS RECORDED IN INSTRUMENT S7-0944 AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF CENTERLINE OF COVENTRY DRIVE (FORMERLY RUSSELL DRIVE) (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY - PLAT BOOK 21, PAGE 74) WITH THE CENTERLINE OF STEELE STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY -PLAT BOOK 21, PAGE 74); THENCE N53°36′13"W ACROSS STEELE STREET A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF SAID STEELE STREET, SAID POINT BEING THE POINT OF BEGINNING (N 353904.64 - E 772987.44); THENCE S36°23'47"W ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID STEELE STREET A DISTANCE OF 227.48 FEET TO A POINT ON THE NORTH LINE OF THE GEORGIAN HILLS SUBDIVISION AS RECORDED IN PLAT BOOK 20, PAGE 57, SAID NORTH LINE BEING 141.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF SAID COVENTRY DRIVE, SAID POINT BEING THE NORTHEAST CORNER OF THE MICHAEL GREENWOOD PROPERTY AS RECORDED IN INSTRUMENT JY-0204; THENCE N85°52'06"W ALONG THE NORTH LINE OF THE SAID GEORGIAN HILLS SUBDIVISION A DISTANCE OF 107.57 FEET TO A POINT ON A NORTH LINE OF THE MEMPHIS HOME RENTALS LLC PROPERTY AS RECORDED IN INSTRUMENT 11042938; THENCE N53°36'13"W ALONG A NORTH LINE OF THE SAID MEMPHIS HOME RENTALS LLC PROPERTY A DISTANCE OF 29.44 FEET TO A FOUND IRON PIN AT AN ANGLE POINT IN SAID NORTH LINE; THENCE S86°55'19"W AND CONTINUING ALONG A NORTH LINE OF THE SAID MEMPHIS HOME RENTALS LLC PROPERTY A DISTANCE OF 125.23 FEET TO THE NORTHWEST CORNER OF THE SAID MEMPHIS HOME RENTALS LLC PROPERTY, SAID POINT ALSO LIES ON THE NORTH LINE OF THE SAID GEORGIAN HILLS SUBDIVISION; THENCE N85°52'06"W ALONG THE NORTH LINE OF THE SAID GEORGIAN HILLS SUBDIVISION A DISTANCE OF 38.94 FEET TO A POINT ON THE SOUTHEAST RIGHT-OF-WAY OF THE CANADIAN NATIONAL RAILROAD 100 FOOT WIDE RAILROAD RIGHT-OF-WAY; THENCE N36°25'41"E ALONG THE SOUTHEAST RIGHT- OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 286.42 FEET TO THE SOUTHEAST CORNER OF THE IDL-2, LLC PROPERTY AS RECORDED IN INSTRUMENT 17131737; THENCE N49°18′33″E ALONG THE SOUTH LINE OF THE SAID IDL-2, LLC PROPERTY A DISTANCE OF 17.86 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 450.18 FEET, AN ARC LENGTH OF 347.44 FEET (CHORD N71°25′08″E – 338.88 FEET) TO THE POINT OF TANGENCY; THENCE S86°28′16″E AND CONTINUING ALONG THE SOUTH LINE OF THE SAID IDL-2, LLC PROPERTY, PASSING THROUGH A FOUND IRON PIN AT 4.72 FEET, FOR A TOTAL DISTANCE OF 61.15 FEET TO A FOUND IRON PIN AT THE SOUTHEAST CORNER OF THE SAID IDL-2, LLC PROPERTY, SAID POINT ALSO LIES ON THE NORTHWEST RIGHT-OF-WAY LINE OF SAID STEELE STREET; THENCE S36°23′47″W ALONG THE NORTHWEST RIGHT-OF-WAY LINE SAID STEELE STREET A DISTANCE OF 229.23 FEET TO THE POINT OF BEGINNING.

This is the same property conveyed to the Grantor by Deed recorded as Instrument No. 21074833 in the Register's Office of Shelby County, Tennessee and being further identified as Parcel I.D. Number 071001 00071.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, its heirs, or successors and assigns in fee simple forever.

The Grantor does hereby covenant with the Grantee that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons; and that the same is unencumbered, except for:

- 2022 City of Memphis and Shelby County real property taxes, not yet due and payable;
- Possible right of Railroad to increase its right-of-way to the full extent of its Charter of record in Book 7, Page 607, as amended in Book 100, Page 531; and Book 126, Page 427, in the aforesaid Register's Office.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their gender and number according to the context of this instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by and through its duly authorized officer(s) the day and year first above written.

BELZ INVESTCO GP

By: URCO, Inc., its Managing Partner

By: Ronald A. Belz, President

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared RONALD A. BELZ, PRESIDENT of URCO, INC., a Tennessee corporation, said corporation is the managing partner of BELZ INVESTCO GP, a Tennessee general partnership, with whom I am personally acquainted, and who, upon oath acknowledged that he is the PRESIDENT of URCO, INC., managing partner of BELZ INVESTCO GP, and that he as such PRESIDENT, executed the foregoing instrument for the purpose therein contained by signing the name of such partnership by such corporation, as the managing partner by himself as PRESIDENT of such corporation.

WITNESS my hand and Notarial seal, at office in Memphis, Tennessee, this, the $\frac{13t}{2}$ day of

Notary Public

My Commission Expires:

PROPERTY ADDRESS:

Vacant Land Memphis, TN 38103 Parcel I.D. Nos. 071001 00071

OWNER and MAIL TAX BILLS TO:

CHMJ-R, LLC 7152 Bell Manor Cove Germantown, TN 38138-1900 Attention: Henry G. Rudner

| • | |
|---------------------|----------|
| Conveyance Tax | \$109.68 |
| Recording Fees | \$25.00 |
| E-File Document Fee | \$2.00 |
| Register's Fee | \$1.00 |
| DP Fee | \$2.00 |
| Total Due: | \$139.68 |
| | |

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$29,644.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant Affiant

Subscribed and sworn to before me this 13 day of Suddiv, 2021.

Notary Public

Commission Expires: _____

sturn to: Nivabeth Marston-Moore, Esq. Martin, Tate, Morrow & Marston, P.C. 22 N. Front St., 11th Ploor Memphis, TN 38103-1182

EB 5205

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SPECIAL WARRANTY DEED

This instrument prepared by: Riley, Ford, Caldwell & Cork, P.A. P. O. Box 1836
Tupelo, MS 38802

THIS INDENTURE, made and entered into this 3.7 day of

December, 19 93 by and between BANK OF MISSISSIPPI, a

Mississippi banking corporation, Party of the first part, and IDL,

INC., a Tennessee corporation, Party of the second part

WITNESSETH: That for the consideration hereinafter expressed the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in County of Shelby, State of Tennessee, to-wit:

Beginning at a point in the Northwest line of Steele Road (80 feet wide) a distance of 837.67 feet Southwestwardly from the Westward projection of the center line of Durham Drive as measured along the Northwest line of Steele Road; thence Southwestwardly along the Northwest line of Steele Road and along a curve to the right, having a radius of 460 feet, a distance of 69.83 feet to a point of reverse curve; thence Southwestwardly along the Northwest line of Steele Road and along a curve to the left, having a radius of 540 feet, a distance of 444.44 feet to a point of tangency; thence South 33 degrees, 38 minutes and 15 seconds West along the Northwest line of Steele Road a distance of 125.24 feet to a point; thence North 88 degrees, 38 minutes 03 seconds West a distance of 56.23 feet to a point of curvature; thence Southwestwardly along a curve to the left, having a radius of 450.18 feet, a distance of 352.37 feet to a point of tangency; thence South 46 degrees, 31 minutes 07 seconds West 17.80 feet to a point in the Southeast line of the Illinois Central Railroad Right-of-Way; thence North 33 degrees, 38 minutes, 15 seconds East along said Southeast line a distance of 900.02 feet to a point; thence South 56 degrees, 21 minutes, 45 seconds East a distance of 470.21 feet to the point of beginning.

Subject to Utility Easement of record in Book 3884, Page 15 of the Shelby County Register's Office.

Subject to Utility Easement of record in Book 3884, Page 17 of the Shelby County Register's Office.

Subject to Utility Easement of record in Book 6155, Page 84 of the Shelby County Register's Office.

Subject to Utility Easement of record in Instrument K5-9608 of the Shelby County Register's Office.

This is the same real estate conveyed to Party of the first part by Substitute Trustee's Deed of record as Instrument No. DM 1497 of the Shelby County Register's Office.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs and assigns in fee simple forever. And the said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for the lien of 1994 taxes, not yet due and payable, and that the title and quiet possession thereto it will warrant against the lawful claims of all persons claiming under grantor.

THE CONSIDERATION for this conveyance is as follows:

TEN DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged.

WITNESS the signatures of the said Party of the first part the day and year first above written.

BANK OF MISSISSIPPI

BY: Johnston EVP

posithet ur

STATE OF TENNESSEE, COUNTY OF SHORE and who upon oath acknowledged themselves to be the

Extensite for first person and for first person and corporation, and they as such Extensite for the purposes therein contained by this 30 day signing the name of the corporation by the said executive Vice free and attesting the same by the said Vice free very WITNESS my hand and official seal at office this of Canber, 1993.

My Commission Expires 16th day of August

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$ 500,000 which amount is equal to or greater than the amount which the property transferred would command at a

fair and voluntary sale

Affiant

Subscribed and sworn to before me this the 30c day of December. 1943.

NOTARY PUBLIC

My Commission Expires:

My Commission Em

Property Address: 4171 Steele Road, Memphis, TN 38127

Tax Parcel ID # 071-001-072 Mail tax bills to: IDL, Inc.

P.O. Box 525 Memphis, TN 38101

> SHELBY COUNTY REGISTER OF DEEDS

94 JAN -3 PH 12: 22

8205 REGISTER'S FEE RECORDENG FEE WT USE FEE STATE OF JEMMESSEE TOTAL GIT R BATES

EB8305



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



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09/15/2021 - 09:34:09 AM

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| 20.00 |
| 2.00 |
| 1.00 |
| 14713.32 |
| |

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY:

Andrea S. Bienstock, Esq. 100 Peabody Place, Suite 1400 Memphis, Tennessee 38103

RETURN TO:

Stewart G. Austin, Esq, Glankler Brown, PLLC 6000 Poplar Avenue, Suite 400 Memphis, TN 38119

WARRANTY DEED

THIS INDENTURE, made and entered into this <u>13th</u>day of <u>September</u> 2021, by and between, URCO, INC., a Tennessee corporation (hereinafter referred to as "Grantor") and CHMJ-R, LLC, a Tennessee limited liability company (hereinafter referred to as "Grantee"),

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in Memphis, County of Shelby, State of Tennessee:

PARCEL 1:

BEING A DESCRIPTION OF PART OF THE URCO, INC. PROPERTY AS RECORDED IN INSTRUMENT 17002289 AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF STEELE ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND DURHAM DRIVE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N53°33'59"W ALONG THE WESTWARDLY EXTENSION OF THE CENTERLINE OF SAID DURHAM DRIVE A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE S36°26'01"W ALONG THE WEST LINE OF SAID STEELE STREET A DISTANCE OF 528.86 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE WEST LINE OF SAID STEELE STREET ALONG A 460.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 308.95 FEET (CHORD S55°35'22"W - 303.18 FEET) TO A FOUND 3/4" PIPE AT THE NORTHEAST CORNER OF THE IDL-2, LLC. PROPERTY AS RECORDED IN INSTRUMENT EB-8305 AT SAID REGISTER'S OFFICE; THENCE N53°33'59"W ALONG THE NORTH LINE OF THE SAID IDL-2, LLC PROPERTY A DISTANCE OF 470.52 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY (100.00 FOOT RIGHT-OF-WAY); THENCE N36°26'01"E ALONG THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 815.31 FEET TO A POINT; THENCE S53°33'59"E A DISTANCE OF 570.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

BEING A DESCRIPTION OF PART OF THE URCO, INC. PROPERTY AS RECORDED IN INSTRUMENT 17002289 AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN

MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF STEELE ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND DURHAM DRIVE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N53°33'59"W ALONG THE WESTWARDLY EXTENSION OF THE CENTERLINE OF SAID DURHAM DRIVE A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE N53°33'59"W A DISTANCE OF 570.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY (100.00 FOOT RIGHT-OF-WAY); THENCE N36°26'01"E ALONG THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 404.69 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE FOLLOWING A CURVE TO THE RIGHT HAVING A RADIUS OF 5730.00 FEET, AN ARC LENGTH OF 95.29 FEET (CHORD N36°54'36"E – 95.29 FEET) TO A POINT; THENCE S53°33'59"E A DISTANCE OF 569.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET (DEDICATED IN PLAT BOOK 21, PAGE 48) (NOT IMPROVED OR BUILT); THENCE S36°26'01"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET A DISTANCE OF 499.98 FEET TO THE POINT OF BEGINNING.

This is the same property conveyed to the Grantor by Deed recorded as Instrument No. 17002289 and Instrument No. 21074832 in the Register's Office of Shelby County, Tennessee and being further identified as Parcel I.D. Numbers 071001 00046 and 071001 00045.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, its heirs, or successors and assigns in fee simple forever.

The Grantor does hereby covenant with the Grantee that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons; and that the same is unencumbered, except for:

- 2022 City of Memphis and Shelby County real property taxes, not yet due and payable;
- MLGW Easements of record in Book 3884, Page 15, and at Instrument No. 18036870 in the Shelby County Register's Office, and as shown on survey by The Reaves Firm dated May 24, 2021; and
- Possible right of Railroad to increase its right-of-way to the full extent of its Charter of record in Book 7, Page 607, as amended in Book 100, Page 531; and Book 126, Page 427, in the aforesaid Register's Office.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their gender and number according to the context of this instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by and through its duly authorized officer(s) the day and year first above written.

URCO, INC.



STATE OF TENNESSEE **COUNTY OF SHELBY**

Before me, a Notary Public of the State and County aforesaid, personally appeared RONALD A. BELZ, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the PRESIDENT of URCO, INC., the within named bargainor, a Tennessee corporation, and that he executed the foregoing instrument for the purposes therein contained by signing the name of such corporation by himself as such PRESIDENT

TENNESSEE

WITNESS my hand and Notarial seal, at office this 13th day of September, 2021.

Notary Public

My Commission Expires:

PROPERTY ADDRESS:

4183 Steele Road Memphis, TN 38103

Parcel I.D. Nos. 071001 00046 and 071001 00045

OWNER and MAIL TAX BILLS TO:

CHMJ-R, LLC

7152 Bell Manor Cove

Germantown, TN 38138-1900

Attention: Henry G. Rudner

| Conveyance Tax | \$14690.32 |
|---------------------|------------|
| Recording Fees | \$25.00 |
| E-File Document Fee | \$2.00 |
| Register's Fee | \$1.00 |
| DP Fee | \$2.00 |
| Total Due: | \$14720.32 |

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$3,970,356.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Δffiant

Subscribed and sworn to before me this $\frac{3}{2}$ day of $\frac{5e_{p}}{2}$. 2021.

Notary Public

Commission Expires:



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



21114643

09/15/2021 - 09:34:09 AM

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| 20.00 |
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| 14713.32 |
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SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY:

Andrea S. Bienstock, Esq. 100 Peabody Place, Suite 1400 Memphis, Tennessee 38103

RETURN TO:

Stewart G. Austin, Esq, Glankler Brown, PLLC 6000 Poplar Avenue, Suite 400 Memphis, TN 38119

WARRANTY DEED

THIS INDENTURE, made and entered into this <u>13th</u>day of <u>September</u> 2021, by and between, URCO, INC., a Tennessee corporation (hereinafter referred to as "Grantor") and CHMJ-R, LLC, a Tennessee limited liability company (hereinafter referred to as "Grantee"),

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in Memphis, County of Shelby, State of Tennessee:

PARCEL 1:

BEING A DESCRIPTION OF PART OF THE URCO, INC. PROPERTY AS RECORDED IN INSTRUMENT 17002289 AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF STEELE ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND DURHAM DRIVE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N53°33'59"W ALONG THE WESTWARDLY EXTENSION OF THE CENTERLINE OF SAID DURHAM DRIVE A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE S36°26'01"W ALONG THE WEST LINE OF SAID STEELE STREET A DISTANCE OF 528.86 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE WEST LINE OF SAID STEELE STREET ALONG A 460.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 308.95 FEET (CHORD S55°35'22"W - 303.18 FEET) TO A FOUND 3/4" PIPE AT THE NORTHEAST CORNER OF THE IDL-2, LLC. PROPERTY AS RECORDED IN INSTRUMENT EB-8305 AT SAID REGISTER'S OFFICE; THENCE N53°33'59"W ALONG THE NORTH LINE OF THE SAID IDL-2, LLC PROPERTY A DISTANCE OF 470.52 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY (100.00 FOOT RIGHT-OF-WAY); THENCE N36°26'01"E ALONG THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 815.31 FEET TO A POINT; THENCE S53°33'59"E A DISTANCE OF 570.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

BEING A DESCRIPTION OF PART OF THE URCO, INC. PROPERTY AS RECORDED IN INSTRUMENT 17002289 AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN

MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF STEELE ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND DURHAM DRIVE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N53°33'59"W ALONG THE WESTWARDLY EXTENSION OF THE CENTERLINE OF SAID DURHAM DRIVE A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE N53°33'59"W A DISTANCE OF 570.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY (100.00 FOOT RIGHT-OF-WAY); THENCE N36°26'01"E ALONG THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 404.69 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE FOLLOWING A CURVE TO THE RIGHT HAVING A RADIUS OF 5730.00 FEET, AN ARC LENGTH OF 95.29 FEET (CHORD N36°54'36"E – 95.29 FEET) TO A POINT; THENCE S53°33'59"E A DISTANCE OF 569.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET (DEDICATED IN PLAT BOOK 21, PAGE 48) (NOT IMPROVED OR BUILT); THENCE S36°26'01"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID STEELE STREET A DISTANCE OF 499.98 FEET TO THE POINT OF BEGINNING.

This is the same property conveyed to the Grantor by Deed recorded as Instrument No. 17002289 and Instrument No. 21074832 in the Register's Office of Shelby County, Tennessee and being further identified as Parcel I.D. Numbers 071001 00046 and 071001 00045.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, its heirs, or successors and assigns in fee simple forever.

The Grantor does hereby covenant with the Grantee that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons; and that the same is unencumbered, except for:

- 2022 City of Memphis and Shelby County real property taxes, not yet due and payable;
- MLGW Easements of record in Book 3884, Page 15, and at Instrument No. 18036870 in the Shelby County Register's Office, and as shown on survey by The Reaves Firm dated May 24, 2021; and
- Possible right of Railroad to increase its right-of-way to the full extent of its Charter of record in Book 7, Page 607, as amended in Book 100, Page 531; and Book 126, Page 427, in the aforesaid Register's Office.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their gender and number according to the context of this instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by and through its duly authorized officer(s) the day and year first above written.

URCO, INC.



STATE OF TENNESSEE **COUNTY OF SHELBY**

Before me, a Notary Public of the State and County aforesaid, personally appeared RONALD A. BELZ, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the PRESIDENT of URCO, INC., the within named bargainor, a Tennessee corporation, and that he executed the foregoing instrument for the purposes therein contained by signing the name of such corporation by himself as such PRESIDENT

TENNESSEE

WITNESS my hand and Notarial seal, at office this 13th day of September, 2021.

Notary Public

My Commission Expires:

PROPERTY ADDRESS:

4183 Steele Road Memphis, TN 38103

Parcel I.D. Nos. 071001 00046 and 071001 00045

OWNER and MAIL TAX BILLS TO:

CHMJ-R, LLC

7152 Bell Manor Cove

Germantown, TN 38138-1900

Attention: Henry G. Rudner

| Conveyance Tax | \$14690.32 |
|---------------------|------------|
| Recording Fees | \$25.00 |
| E-File Document Fee | \$2.00 |
| Register's Fee | \$1.00 |
| DP Fee | \$2.00 |
| Total Due: | \$14720.32 |

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$3,970,356.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Δffiant

Subscribed and sworn to before me this $\frac{3}{2}$ day of $\frac{5e_{p}}{2}$. 2021.

Notary Public

Commission Expires:

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into this 30th day of July, 1981, by and between FEDERAL EXPRESS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, party of the first part, and BICO ASSOCIATES, a Tennessee limited partnership, the general partners of which are Jack A. Belz and Martin S. Belz, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee:

PROPERTY GROUP A:

PARCEL I:

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Beginning at a point in the east line of the Illinois Central Right-of-Way, said point being the northwest corner of Section G, Georgian Hills Subdivision; thence south 88°38'3" east, a distance of 38.94 feet more or less to a point; thence north 84°1'55" east, a distance of 125.49 feet, more or less to a point; thence south 56°21'45" east, a distance of 120.38 feet, more or less, to a point in the west line of Steele Road (80.0 feet wide); thence in a northerly direction along the west line of Steele Road a distance of 680.0 feet, more or less to a point of curve, thence on a curve to the right with a radius of 540 feet a distance of 440 feet more or less to the southeast corner of property conveyed to Union Realty Company; thence in a westerly direction along the south line of said Union Realty Company property a distance of 470.21 feet, more or less, to a point in the east line of the Illinois Central Railroad Right-of-Way; thence in a southerly direction along the east line of the Illinois Central Railroad Right-of-Way a distance of 1,210 feet, more or less, to the point of beginning.

PARCEL II:

Beginning at a point in the east line of Steele Road (80 feet wide) which point is 165.43 feet, more or less, northwardly as measured along the east line of Steele Road from the northerly line of Coventry Drive; thence south 88°38'3" east along the northerly line of First Addition of Bellover Woods Subdivision, and the westwardly projection thereof, a distance of 945.39 feet, more or less, to a point; thence north 62°23'33" east, a distance of 119.44 feet, more or less, to a point; thence north 33°38'15" east, a distance of 750.0 feet, more or less, to a point in the south line of Durham Drive, which point is also the northwest corner of Lot 58, First Addition, Bellover Woods Subdivision; thence in a westerly direction along the south line of Durham Drive a distance of 506.0 feet, more or less, to a point of curve; thence along a curve to the left having a radius of 30 feet, a distance of 47 feet more or less, to a point in the east line of Steele Road; thence south along the east line of Steele Road a distance of 470.0 feet, more or less, to a point of curve; thence along a curve of the east line of Steele Road to the left having a radius of 540 feet, a distance of 444.44 feet to a point of curve; thence on a curve of the east line of Steele Road to the right having a radius of 460 feet, a distance of 378.59 feet, more or less, to a point of tangency; thence along the east line of Steele Road a distance of 127.36 feet to the point of beginning.

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PARCEL III:

Beginning at a point in the intersection of the south line of Millington Road and the centerline of Overton Crossing Road, thence running south 42°1' east along the centerline of Overton Crossing Road, a distance of 470.1 feet, thence south 35°1' east, a distance of 620.4 feet to an iron pin; thence south 87°1' east, a distance of 211 feet, more or less, to an iron pin; thence south 0°19' east, a distance of 95 feet, more or less, to a point in the eastward projection of the north line of Fourth Addition, Bellover Woods Subdivision; thence westwardly along the northerly line of said subdivision and the eastward projection thereof, a distance of 1,120 feet, more or less, to the northwest corner of said subdivision, thence south 16°46'4" east along the westerly line of said subdivision, a distance of 444.15 feet to a point in the north line of Third Addition to Bellover Woods Subdivision; thence south 87°5' west along said north line a distance of 288.67 feet to a point; thence south 63°10'55" west, a distance of 193.28 feet to a point; thence south 43°10'3" west, a distance of 191.41 feet to a point, said point being the southwest corner of Lot 50, Third Addition to Bellover Woods Subdivision; thence southwesterly along the west line of Lots 47 through 49 of said subdivision and along the west line of Lot 57 of First Addition, Bellover Woods Subdivision, a distance of 352.71 feet to a point in the north line of Durham Drive; thence in a northwesterly direction along the north line of Durham Drive a distance of 506 feet, more or less, to a point of curve; thence along a curve to the right having a radius of 30 feet, a distance of 47 feet, more or less, to a point in the east line of Steele Road; thence north along the east line of Steele Road, a distance of 439.98 feet, more or less, to a point; thence northwesterly, perpendicular to the last described line, a distance of 649.14 feet to a point in the east line of the Illinois Central Railroad Right-of-Way, thence northeasterly along said right-of-way line a distance of 1,722.7 feet, more or less, to a point in the south line of Millington Road; thence northeasterly along the south line of Millington Road, a distance of 504 feet, more or less, to the point of beginning, less and except that part previously conveyed to the City of Memphis by Warranty Deed recorded under Register's Number F4 0279, Register's Office of Shelby County, Tennessee more particularly described as follows: BEGINNING at a point in the intersection of the south line of Millington Road and the center line of Overton Crossing Road; thence south 40°07' east along the center line of Overton Crossing Road a distance of 469.99 feet to a point; thence south 33°07' east, a distance of 14.825 feet to a point; thence south 64°0' west, a distance of 621.02 feet to a point; thence 26°0' west, a distance of 472 feet to a point in the south line of Millington Road; thence north 64°0' east, along the south line of Millington Road a distance of 356.47 feet to a point; thence north 64°35' east, along the south line of Millington Road a distance of 148.02 feet to the point of beginning.

PARCEL IV:

Beginning at a point in the east line of Steele Road (80 feet wide) 165.43 feet as measured along the east line of Steele Road from the northerly line of Coventry Drive, thence south 88°38"3" east, along the westwardly projection of the northerly line of First Addition to Bellover Woods Subdivision, a distance of 96.82 feet to a point in the westerly line of said subdivision; thence south along the westerly line of said subdivision a distance of 140 feet to a point in the north line of Coventry Drive, thence west along the north line of Coventry Drive a distance of 130.80 feet to a point of curve; thence along a curve to the right having a radius of 30 feet, a distance of 64.02 feet to a point in the east line of Steele Road; thence north along the east line of Steele Road a distance of 165.43 feet to the point of beginning.

PARCEL V:

Beginning at the intersection of the south line of Coventry Drive and the westerly line of First Addition, Bellover Woods Subdivision; thence south along the westerly line of said subdivision a distance of 141 feet to a point in the north line of Section G, Georgian Hills Subdivision; thence west along the north line of Section G, Georgian Hills Subdivision a distance of 213.04 feet to a point; thence in a northwesterly direction a distance of 83.90 feet to a point in the east line of Steele Road, said point being 109.76 feet as measured along the east line of Steele Road from the south line of Coventry Drive; thence north along the east line of Steele Road a distance of 54.64 feet to a point of curve; thence on a curve to the right having a radius of 100 feet, a distance of 175 feet to a point in the south line of Coventry Drive; thence along the south line of Coentry Drive a distance of 167.99 feet to the point of beginning.

PARCEL VI:

Part of Lot 1, Bradshaw Subdivision, more particularly described by metes and bounds as follows: BEGINNING at the point of intersection of the present west line of Range Line Street (50 feet wide) and the north line of St. Elmo Avenue (50 feet wide); thence south 72°10' west, along the north line of St. Elmo Avenue 153.65 feet to a point in the south line of Old Point Church Road; thence north 75°43' west, along the south line of Old Point Church Road 220.89 feet to a point; thence north 62°23' west along the south line of Old Point Church Road 138.31 feet to a point; thence north 72°23' west, along the south line of Old Point Church Road 81.58 feet to a point in the east line of Brookmeade Subdivision; thence north 0°14' east, along said east line of Brookmeade Subdivision 461 feet to an old iron stake in the south line of the Beacon Hills Subdivision; thence east along the south line of Beacon Hills Subdivision 558.84 feet to a point in the present west line of Range Line Street; thence south along said west line 557.27 feet to the point of beginning and containing 7.08 acres of land.

Less and except the following property:

Beginning at a point in the northwest line of Steele Road a distance of 837.67 feet southwardly as measured along said northwest line from its point of intersection with the westward projection of the center line of Durham Drive; thence southwestwardly along the northwest line of Steele Road and on a curve to the right, having a radius of 460 feet, a distance of 69.83 feet to a point: thence southwestwardly along the northwest line of Steele Road and on a curve to the left, having a radius of 540 feet, a distance of 444.44 feet to a point of tangency; thence southwestwardly along the northwest line of Steele Road a distance of 125.24 feet to a point; thence southwestwardly with an angle of 122°16'18" in the northwest quadrant a distance of 56.23 feet to a point of curvature; thence southwestwardly and on a curve to the left, having a radius of 450.18 feet, a distance of 352.37 feet to a point of tangency; thence southwestwardly 17.8 feet to a point in the southeast line of the Illinois Central Railroad Right-of-Way; thence northeastwardly along said southeast line a distance of 900.02 feet to a point, said point being 815 feet southwardly from the westward projection of the center line of Durham Drive, thence southeastwardly a distance of 470.21 feet to the point of beginning, and containing 4.642 acres of land.

PROPERTY GROUP B

PARCEL I:

Beginning at a point in the southeast line of U.S. Highway No. 70 (160 feet wide) a distance of 514.88 feet southwestwardly, as measured along the southeast line of said highway, from its intersection with the center line of Macon Road (as relocated); said point of beginning being in the north line of said property described in deed of record in Book 1870, Page 400, Shelby County Register's Office; thence south 88°18'43" east, along said north line a distance of 542.28 feet to a point in the southwest line of Macon Road (as relocated); thence south 44°22' east, along the southwest line of Macon Road a distance of 149.53 feet to an angle point therein; thence continuing along the southwest line of Macon Road south 39°59' east, a distance of 352.48 feet to a point in the northwest line of Fletcher Creek Greenway right-of-way; thence along the northwesterly line of the Fletcher Creek Greenway right-of-way three (3) courses as follows: south 74°34'17" west, a distance of 300.00 feet to a point; thence north 60°25'43" west, a distance of 226.27 feet to a point; thence south 67°56'29" west, a distance of 1,124.41 feet to a point in the southeast line of U.S. Highway No. 70; thence north 39°54' east, along the southeast line of said highway a distance of 1,021.19 feet to the point of beginning; containing 10.951 acres.

Party of the first part does further convey any and all interest it might have in and to Fletcher Creek.

PARCEL II:

BEGINNING at a point in the southeast line of U.S. Highway No. 70 (160 feet wide) a distance of 2,062.11 feet southwestwardly, as measured along the southeast line of said highway, from its intersection with the center of Macon Road (as relocated); said point of beginning being in the southerly line of the Fletcher Creek Greenway right-of-way; thence along the southerly line of Fletcher Creek Greenway right-of-way five (5) courses as follows: south 50°06' east, 88.57 feet to a point; thence south 87°59'30" east, a distance of 205.92 feet to a point; thence north 69°52'46" east, a distance of 1,442.69 feet to a point; thence north 29°34'17" east, a distance of 149.37 feet to a point; thence north 74°34'17" east, a distance of 239.99 feet to a point in the west line of the Philsar Development Company property; thence along the line dividing the said Sammons property and the said Philsar Development Company property four (4) courses as follows: south 2°23' west, a distance of 968.58 feet to a point; thence north 89°08' west, a distance of 984.00 feet to a point; thence north 2°23' east, a distance of 119.50 feet to a point; thence north 88°31'30" west, a distance of 977.85 feet to a point; said point being 87.80 feet eastwardly from the east line of U.S. Highway No. 70, as measured along the north line of the Philsar Development Company property; thence north 2°44'40" east, along the west line of said Sammons property a distance of 113.26 feet to a point in the southeast line of said highway; thence north 39°54' east, along said highway a distance of 90.17 feet to the beginning point; containing 21.094 acres.

PARCEL III:

BEGINNING at the intersection of the east boundary line of said Weaver Property with the southeast line of U.S. Highway No. 70 (160 feet wide); said point of beginning also being in the west boundary line of the property of Ruth I. Sammons described in deed of record in Book 1870, Page 400, Shelby County Register's Office; thence south 2°44'40" west, along the line dividing said Weaver property and said Sammons property, a distance of 113.26 feet to a point in the north boundary line of the Philsar Development Company's property; thence north 88°53'57" west, along the line dividing said Weaver property and the property of Philsar Development Company a distance of 87.80 feet to a point in the southeast line of U.S. Highway No. 70 (160 feet wide); thence north 39°54' east, along the southeast line of said highway a distance of 145.31 feet to the point of beginning; containing 0.114 acres.

PROPERTY GROUP C:

Part of the Beale Street Urban Renewal Area Project No. Tenn R-77, and also being described as 3.80 acres bounded on the west by Third Street, on the north by Gayoso Avenue, on the east by Fourth Street, and on the south by McCall Avenue (proposed), and being more particularly described as follows:

BEGINNING at a point in the south line of Gayoso Avenue, 36.84 feet eastwardly from the P.I. of the curve at the southeast corner of Gayoso Avenue and Third Street; thence south 69°18'10" east with the south line of Gayoso Avenue 580.11 feet to beginning of a curve; thence southeastwardly by a curve to the right, having a radius of 30 feet, a distance of 41.02 feet as measured along the arc of said curve to the end of the curve; thence south 09°02'46" west with the west line of Fourth Street 131.65 feet to the beginning of a curve; thence southwardly by a curve to the left along the west line of Fourth Street, having a radius of 417.97 feet, a distance of 34.54 feet as measured along the arc of said curve to the end of the curve and the beginning of another curve; thence southwestwardly by a curve to the right, having a radius of 30 feet, a distance of 52.04 feet as measured along the arc of said curve to the end of the curve; thence north 76°18'19" west, with the north line of McCall Avenue (proposed) 571.44 feet to a point; thence northwestwardly by a curve to the right having a radius of 30 feet, a distance of 44.67 feet as measured along the arc of said curve to the end of the curve; thence north 09°00'52" east, with the east line of Third Street 239.47 feet to a point; thence by a curve to the right having a radius of 30 feet, a distance of 53.24 feet as measured along the arc of said curve to the point of beginning and containing 165,513 square feet or 3.80 acres.

Being the same property conveyed to party of the first part by Warranty Deed of record under Register's No. \$7-0942, Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, or successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforeuescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for 1981 city and county taxes, the payment of which is hereby assumed by party of the second part, and restrictions, building lines and easements of record, to which this conveyance is subject and that the title and quiet possession thereto it is subject and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming by, through or under it, but not further or otherwise.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their proper gender and number according to the context of this instrument.

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its duly authorized officers the day and year first above written.

FEDERAL EXPRESS CORPORATION BY: Mysten
Senior Vice President ATTEST: TENNESSEE OF SHELBY COUNTY

Before me, the undersigned Notary Public in the State and County aforesaid, personally appeared with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Dice President of FEDERAL EXPRESS CORPORATION, the within named bargainor, a corporation, and that he as such the president, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such Jania Vica President.

WITNESS my hand and Official Seal at office this 30th day of July, 1981.

Notary

My Commission Expires: My Commission Expires Aug. 26, 1984

This Instrument Prepared by and Return to: Kriger, Harkavy, Shainberg & Kosten 81 Madison Building, Suite 600 Memphis, Tennessee 38103

Property Address: vacant Mail Tax Bills to: **BICO Associates** 5118 Park Avenue Memphis, TN 38117

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$1,565,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this 30th of

Public

-6-

My Commission Expires:

1981.

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18.00 4064.50

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S



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



21141188

11/09/2021 - 02:37:32 PM

| 4 PGS | |
|-----------------------------|----------|
| KRISTINA 2335467 - 21141188 | |
| VALUE | 25000.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 92.50 |
| RECORDING FEE | 20.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 1.00 |
| TOTAL AMOUNT | 115.50 |

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY:

Andrea S. Bienstock, Esq. 100 Peabody Place, Suite 1400 Memphis, Tennessee 38103

RETURN TO:

Stewart G. Austin, Esq, Glankler Brown, PLLC 6000 Poplar Avenue, Suite 400 Memphis, TN 38119

WARRANTY DEED

THIS INDENTURE, made and entered into this 8th day of November, 2021, by and between BICO ASSOCIATES GP, a Tennessee general partnership (hereinafter referred to as "Grantor") and C&H ENTERPRISES VI, LLC, a Tennessee limited liability company (hereinafter referred to as "Grantee"),

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in Memphis, County of Shelby, State of Tennessee:

Parcel I:

Beginning at a point in the east line of Steele Road (80 feet wide) which point is 165.43 feet, more or less, northwardly as measured along the east line of Steele Road from the northerly line of Coventry Drive; thence South 88°38'3" East along the northerly line of First Addition of Bellover Woods Subdivision, and the westwardly projection thereof, a distance of 945.39 feet, more or less, to a point; thence North 62°23'33" East, a distance of 119.44 feet, more or less, to a point; thence North 33°38'15" East, a distance of 750.0 feet, more or less, to a point in the south line of Durham Drive, which point is also the northwest corner of Lot 58, First Addition, Bellover Woods Subdivision; thence in a westerly direction along the south line of Durham Drive a distance of 506.0 feet, more or less, to a point of curve; thence along a curve to the left having a radius of 30 feet, a distance of 47 feet, more or less, to a point in the east line of Steele Road; thence south along the east line of Steele Road a distance of 470.0 feet, more or less, to a point of curve; thence along a curve of the east line of Steele Road to the left having a radius of 540 feet, a distance of 444.44 feet to a point of curve; thence on a curve of the east line of Steele Road to the right having a radius of 460 feet, a distance of 378.59 feet, more or less, to a point of tangency; thence along the east line of Steele Road a distance of 127.36 feet to the point of beginning.

Parcel II:

Beginning at point in the east line of Steele Road (80 feet wide) 165:43 feet as measured along the east line of Steele Road from the northerly line of Coventry Drive, thence South 88°38′3″ East, along the westwardly projection of the northerly line of First Addition to Bellover Woods Subdivision, a distance of 96.82 feet to a point in the westerly line of said subdivision; thence south along the westerly line of said subdivision a distance of 140 feet to a point in the north line of Coventry Drive; thence west along the north line of Coventry Drive a distance of 130.80 feet to a point of curve; thence along a curve to the right having a radius of 30 feet, a distance of 64.02 feet to a point in

the east line of Steele Road; thence north along the east line of Steele Road a distance of 165.43 feet to the point of beginning.

This is a portion of the same property conveyed to the Grantor by Warranty Deed recorded under Register's No. S7 0944 in the Register's Office of Shelby County, Tennessee and being further identified as Parcel I.D. Number 071002 00001C.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, its heirs, or successors and assigns in fee simple forever.

The Grantor does hereby covenant with the Grantee that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons; and that the same is unencumbered, except for 2022 Shelby County and City of Memphis real property taxes, not yet due and payable.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their gender and number according to the context of this instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by and through its duly authorized officer(s) the day and year first above written.

BICO ASSOCIATES GP

By: RONAB LLC, its Managing Partner

By: Ronald A. Belz, Managing Member

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned Notary Public of the State and County aforesaid, personally appeared RONALD A. BELZ, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the MANAGING MEMBER of RONAB LLC, a Tennessee limited liability company, the MANAGING PARTNER of BICO ASSOCIATES GP, a Tennessee general partnership, the within named bargainor, and that he as such MANAGING MEMBER, executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by such limited liability company by himself as MANAGING MEMBER.

WITNESS my hand and Notarial Seal at office this day of NOV. 2021

Notary Public

TENNESSEE

NOTARY
PUBLIC

PROPERTY ADDRESS:

Vacant Property Memphis, TN

Tax Parcel ID's: 071002 00001C

OWNER'S ADDRESS and MAIL TAX BILLS TO:

C&H Enterprises VI, LLC 7125 Bell Manor Cove Germantown, TN 38138-1901

| Conveyance Tax | \$92.50 |
|---------------------|----------|
| Recording Fees | \$20.00 |
| E-File Document Fee | \$2.00 |
| Register's Fee | \$1.00 |
| DP Fee | \$2.00 |
| Total Due: | \$117.50 |
| | |

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$25,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant '

Subscribed and sworn to before me this 4 day of Nov. 2021.

Notary Public (

My Commission Expires: 12/14/2014

Onnission Expires

| | • | |
|---|---|---|
| | | |
| SIGNATURE | | |
| STATE OF TENNESSEE | | |
| COUNTY OF SHELBY | | |
| On this day of _ | , 2021, personally appeare | ed before me, |
| a Notary Public for this cour this certification of an electro | nty and state, nic document is true and correct ar | , who acknowledged that nd whose signature I have witnessed. |
| | | |
| NOTARY PUB | LIC | |
| My Commission Expir | | |

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development ONE ORIGINAL DIVISION ONLY STAPLED TO DOCUMENTS Planning & Zoning COMMITTEE: 11/15/2022 DATE PUBLIC SESSION: 11/15/2022 DATE ITEM (CHECK ONE) X RESOLUTION __REQUEST FOR PUBLIC HEARING **ORDINANCE** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving ITEM DESCRIPTION: a special use permit at the subject property located 999 Channel Avenue, Parcel ID Number 050107 00014, known as case number SUP 22-026 SUP 22-026 CASE NUMBER: President's Island - 999 Channel Avenue, Parcel ID Number 050107 00014 LOCATION: District 6 and Super District 8 COUNCIL DISTRICTS: Thompson Valerie Trust/Morgan Steel OWNER/APPLICANT: REPRESENTATIVE: Brenda Solomito Basar of Solomito Land Planning To allow a metal recycling facility REQUEST: +/-6.64 acres AREA: The Division of Planning and Development recommended Approval with conditions RECOMMENDATION: The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing - November 15, 2022 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 10/13/2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **POSITION** DATE PRINCIPAL PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 22-026

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED ON PRESIDENT'S ISLAND AT 999 CHANNEL AVENUE, PARCEL ID NUMBER 050107 00014, KNOWN AS CASE NUMBER SUP 22-026

- This item is a resolution with conditions for a special use permit to allow a metal recycling facility; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, October 13, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 22-026

LOCATION: President's Island – 999 Channel Avenue, Parcel ID Number 050107

00014

COUNCIL DISTRICT(S): District 6 and Super District 8

OWNER/APPLICANT: Thompson Valerie Trust / Morgan Steel

REPRESENTATIVE: Brenda Solomito Basar of Solomito Land Planning

REQUEST: To allow a metal recycling facility

EXISTING ZONING: Heavy Industrial (IH)

AREA: +/-6.64 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,

Kendra Cobbs

Kendra Cobbs, AICP
Principal Planner
Land Use and Development Services
Division of Planning and Development

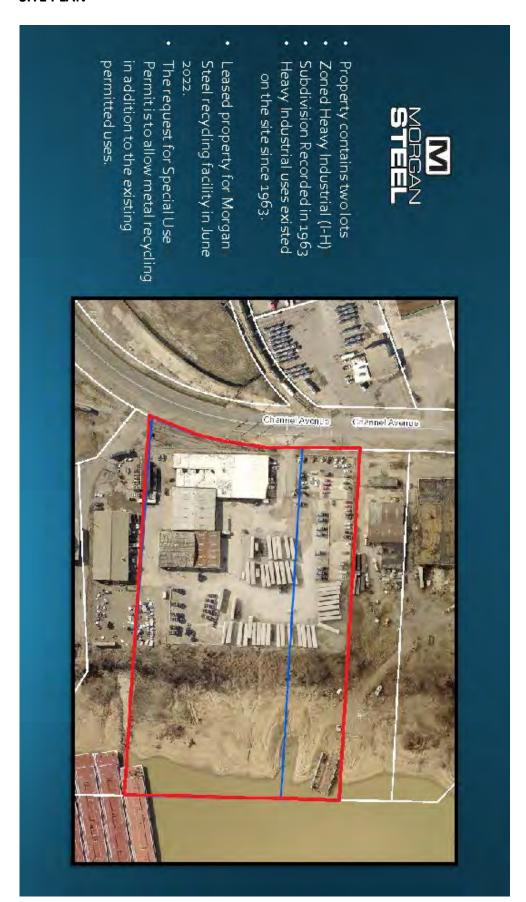
Cc: Committee Members

File

SUP 22-026 CONDITIONS

- 1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
- 2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 999 CHANNEL AVENUE ON PRESIDENT'S ISLAND, PARCEL ID NUMBER 050107 00014, KNOWN AS CASE NUMBER SUP 22-026

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Morgan Steel filed an application with the Memphis and Shelby County Division of Planning and Development to allow a metal recycling facility; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 13, 2022, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement

CONDITIONS

- 1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
- 2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

SITE PLAN

permitted uses.



- Property contains two lots
- Zoned Heavy Industrial (I-H)
- Subdivision Recorded in 1963 Heavy Industrial uses existed on the site since 1963.
- Steel recycling facility in June in addition to the existing Permit is to allow metal recycling The request for Special Use Leased property for Morgan Channel Avenus Channel Avenue

dpd STAFF REPORT

AGENDA ITEM: 14

CASE NUMBER: SUP 2022-026 L.U.C.B. MEETING: October 13, 2022

LOCATION: 999 Channel Avenue

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Thompson Valerie Trust/Morgan Steel

REPRESENTATIVE: Brenda Solomito Basar of Solomito Land Planning

REQUEST: New Special Use Permit for recycling facility

AREA: +/-6.64 acres

EXISTING ZONING: Heavy Industrial (IH)

CONCLUSIONS

- 1. The applicant, Morgan Steel, is seeking an SUP to operate a metal recycling facility on President's Island at 999 Channel Avenue, Parcel Number 050107 00014.
- 2. An SUP is required for a recycling facility in the IH zoning district, per the Permitted Use Table in Article 2.5.2 of the Memphis and Shelby County Unified Development Code.
- 3. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-22 of this report.

RECOMMENDATION

Approval with conditions

Staff Writer: Kendra Cobbs E-mail: Kendra.Cobbs@memphistn.gov

Staff Report October 13, 2022 SUP 2022-026 Page 2

GENERAL INFORMATION

Street Frontage: Channel Avenue +/-364.65 feet

Zoning Atlas Page: 2125

Parcel ID: 050107 00014

Existing Zoning: Heavy Industrial (IH)

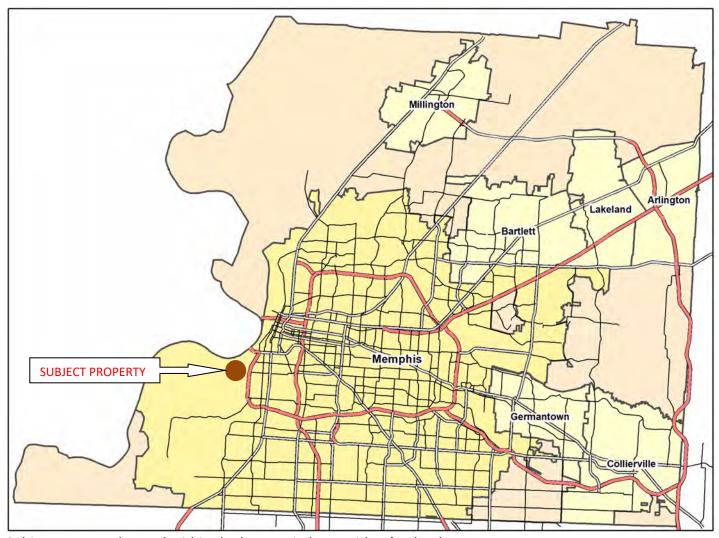
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Thursday, September 29, 2022, at 999 Channel Avenue.

PUBLIC NOTICE

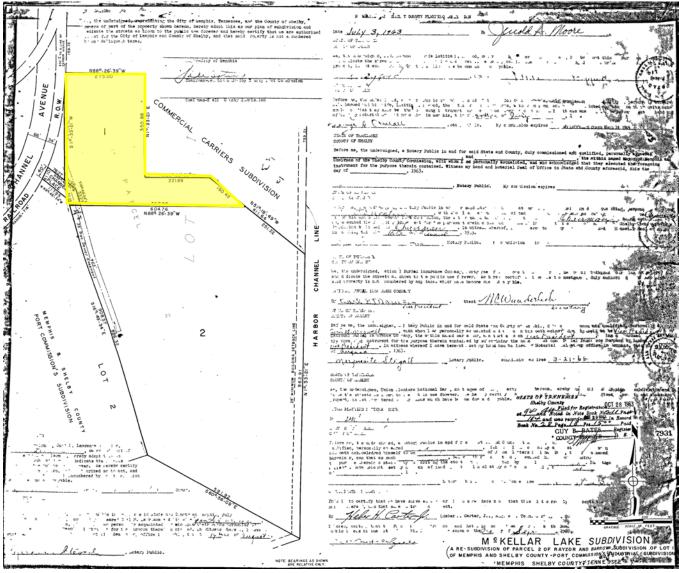
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 19 notices were mailed on September 27, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the brown circle, President's Island

MCKELLAR LAKE SUBDIVISION (1963)



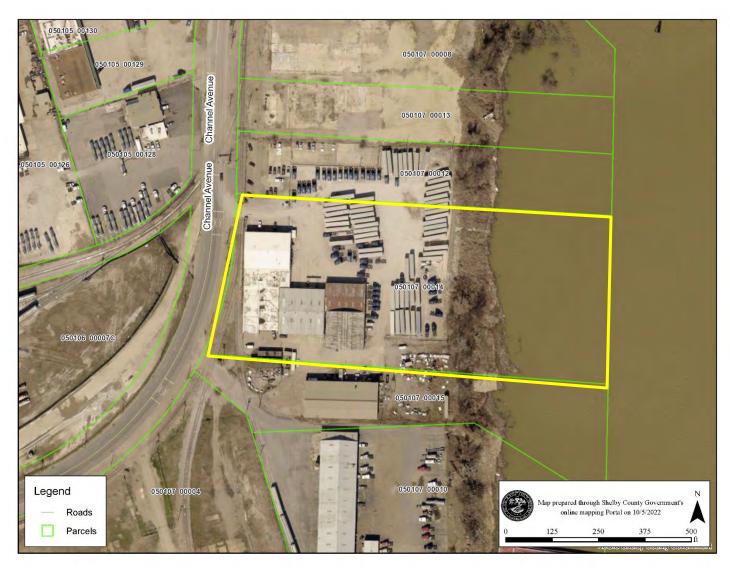
Subject property highlighted in yellow

VICINITY MAP



Site outlined in yellow

AERIAL



Subject property outlined in yellow

FLOOD ZONE MAP



Subject property highlighted in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Heavy Industrial (IH)

Surrounding Zoning

North: IH

East: Residential Single Family – 15 (R-15), Across McKellar Lake

South: IH

West: IH

LAND USE MAP



Subject property outlined in yellow

SITE PHOTOS



View of the site and building from Channel Avenue



Onsite view to the rear of the property



View of the site looking south



View of property across the street from subject site

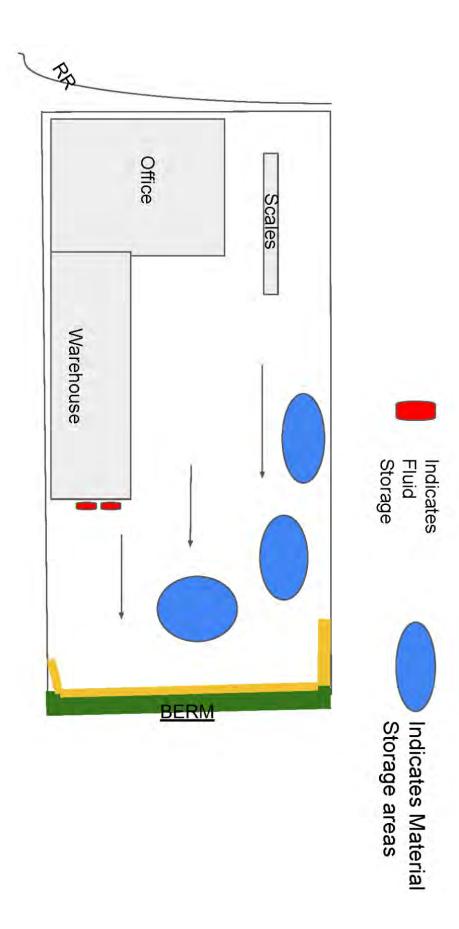


View of the site looking north

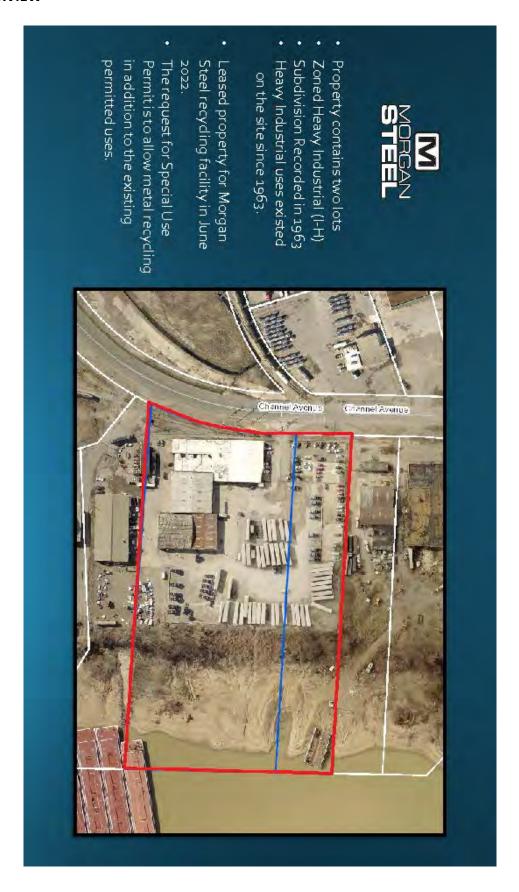


View of site looking north from Channel Avenue

SITE PLAN



SITE PLAN - OVERVIEW



STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is for a Special Use Permit (SUP) for Morgan Steel to operate a metal recycling facility on President's Island located at 999 Channel Avenue.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject property is +/-9.67 acres and located on President's Island at 999 Channel Avenue. It is an industrial site and therefore zoned Heavy Industrial (IH). Per the Assessor's Office, the principal structure on the site was originally built in 1959 and consists of 52,076 square feet. The site is located within an intensely industrial area, surrounded by heavy industrial uses.

Because a portion of the site lies within a floodplain, as the eastern portion of the lot backs up to McKellar Lake, just over five acres of the site is developed and usable. According to the applicant's submittal, a berm has been

Staff Report SUP 2022-026 October 13, 2022 Page 16

constructed along the eastern property line by previous owners.

Additionally, a 34-foot railroad right-of-way makes up the property frontage that also extends southwest of the site. This is an active railroad.

Conclusions

The applicant, Morgan Steel, is seeking an SUP to operate a metal recycling facility on President's Island located at 999 Channel Avenue, Parcel Number 050107 00014.

An SUP is required for a recycling facility in the IH zoning district, per the Permitted Use Table in Article 2.5.2 of the Memphis and Shelby County Unified Development Code.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
- 2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

October 13, 2022 Page 17

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

See comments as follows:

• Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
- If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA
 compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City
 standards.

Traffic Control Provisions:

- The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- The developer's engineer shall submit a <u>Trip Generation Report</u> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

- The City Engineer shall approve the design, number, and location of curb cuts.
- Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Drainage:

- A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division:

See comments as follows:

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 An approved in building two-way emergency responder communication coverage shall be provided in all new buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

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Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: See comments as follows:

General Comments & Analysis:

Located in Zone 4 of the Resilience Zone Framework:

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The Zone 4 designation is due to the parcel having a very high susceptibility for soil liquefaction should an earthquake occur.

The Applicant submitted their stormwater pollution plan as part of the application, which will be reviewed by City Engineering.

Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This special use permit request is not consistent with the Mid-South Regional Resilience Master Plan because the proposed development is located in Zone 4 of the resilience zone framework, which recommends limiting all types of development in areas that have a very high vulnerability to earthquakes. However, as recommended by the Plan, the Construction Enforcement Department adopted the 2021 I-Codes which contain the most up-to-date and strictest seismic construction requirements. In order to receive future building permits, the Applicant will need to provide construction documents that meet the I-Code requirements.

Consistent with the Memphis Area Climate Action Plan best practices: Yes

The Memphis Area Climate Action Plan calls for supporting the creation of circular economies and generating revenue streams from those products. Any business that diverts waste from landfills is another step toward the goal of a zero-waste future. The expansion of a metal recycling facility aligns with Priority Action W.3 Divert Greater Amounts of Inorganic Materials from Landfills.

Recommendations: Staff recommends that the applicant work closely with City of Memphis Engineering and the Tennessee Department of Environment and Conservation to obtain all applicable permits and approvals from state, local, and federal agencies for the operation of a metal recycling business.

Office of Comprehensive Planning: See comments as follows:

The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Higher intensity industrial areas. Graphic portrayal of I is to the right.



"I" Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezoning, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.



Existing Land Use and Zoning: Industrial, IH

Adjacent Land Use and Zoning: Industrial, IH

Overall Compatibility: This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is an Industrial Facility in a Heavy Industrial (IH) zone.

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

4. Degree of Change Description

N/A

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is requesting for a Special Use Permit approval for the Morgan Steel property on Channel Drive to operate as an industrial (metal) recycling facility.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is an Industrial Facility in a Heavy Industrial (IH) zone.

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Assignment

Opened Date: September 8, 2022

Record Number: SUP 2022-026 Expiration Date:

Record Name: Morgan Steel SUP

Description of Work: Request for Special Use Permit approval for the Morgan Steel property on Channel

Drive to operate as an industrial (metal) recycling facility.

Parent Record Number:

Address:

999 CHANNEL AVE, MEMPHIS 38106

Owner Information

Primary Owner Name

Y THOMPSON VALERIE TRUST CREATED UNDER THE

Owner Address Owner Phone

670 COLONIAL RD, MEMPHIS, TN 38117

Parcel Information

050107 00014

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner Chip Saliba
Date of Meeting 07/26/2022

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

Page 1 of 3 SUP 2022-026

| CENEDAL | DDO IECT | INFORMATION |
|---------|----------|-------------|
| | | |

N/A List any relevant former Docket / Case Number(s) related to previous applications on

this site

Is this application in response to a citation, stop

work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district

regulations

See Attached UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D See Attached See Attached UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F See Attached

GIS INFORMATION

Case Layer Central Business Improvement District No Class Downtown Fire District Nο Historic District Land Use

Municipality **MEMPHIS**

Overlay/Special Purpose District Zoning ΙH State Route Lot

Subdivision MCKELLAR LAKE / PT COMMERCIAL CARRIER

No

See Attached

See Attached

Planned Development District Wellhead Protection Overlay District

Contact Information

Name **Contact Type** MORGAN STEEL **APPLICANT**

Address

Phone

SUP 2022-026 Page 2 of 3



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

| I, Land Black, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby |
|--|
| County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): |
| I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises |
| I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit) |
| of the property located at 999 Channel A/2 STATE OF STATE |
| identified by Assessor's Parcel Number OSOIO7001+ application is being made to the Division of Planning and Development. My Commission Expires August 5, 2023 |
| Subscribed and sworn to (or affirmed) before me this |
| year of 20 27 |
| Signature of Notary Public My Commission Expires |



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

Signature of Notary Public

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

Levie Chaups on state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land countries mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises TENNESSEE NOTARY I have charge, care or control of the premises as trustee, agent, executor, administrator, assigned guardian or lessee (and have included documentation with this affidavit) MY OF SHE My Commission Expires August 5, 2023 of the property located at and further identified by Assessor's Parcel Number application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this year of 20_22. - lange

My Commission Expires

LETTER OF INTENT

September 8, 2022

Brett Ragsdale, AIA Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103

Re: Application for Special Use Permit

Morgan Steel - 979 and 985 Channel Drive Memphis, TN 38106

Dear Brett:

We are pleased to submit an application for a Special Use Permit on behalf of Morgan Steel. The property is part of the McKellar Lake Subdivision recorded in 1963 and is zoned Heavy Industrial (I-H). As a part of the Morgan Steel expansion, they leased the property in June of 2022 and is seeking permission to perform industrial (metal) recycling at this location.

Morgan Steel is a metal service center and contract manufacturer based out of Memphis, TN. They offer steel distribution, processing, and delivery via an in-house fleet across the country. The industries we supply include OEMs, steel service centers, fabricators, agriculture, material handling, and more.

Morgan Steel was founded in February 2014 with a 45,000-square-foot warehouse and less than twenty employees, five trucks, one shear, two saws, and a vision. They have grown to a team of almost 200 people and still hold the values that made us successful from the beginning.

They now offer massive processing capabilities and distribute over 400 tons of steel daily with our ever-growing fleet of trucks. We are continually investing in growth to maintain short lead times and the flexibility needed to adapt to the new ways that customers are coming to the market.

In accordance with the Approval Criteria (UDC Section 9.6.9)

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare:

The property is located on President's Island and is surrounded by other Heavy Industrial uses. The proposed use and site are compatible with the surrounding uses. All services and public facilities are in place. This request will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations:

President Island is the perfect location for the Morgan Steel Recycling facility as it is zone Heavy Industrial, and the recycling use will be perfectly compatible with the immediate vicinity as originally approved in 1963.



info@solomitolandplanning.com 1 901.755.7495

September 8, 2022 Page 2

The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services.

All public facilities and services are in place.

The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

The site is fully developed as an industrial use. The granting of the special use permit will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.

The project complies with all additional standards imposed on it by any particular provisions authorizing such

The project complies with all applicable regulations.

The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties:

The project complies with all applicable plans to be considered.

GENERAL PROVISIONS (UDC Section 4.10.3)

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County:

Again, the property is zoned Heavy Industrial and is located on President's Island where the surrounding properties operate at a similar intensity. The granting of this request will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development:

All utilities are available and adequate to serve this site.

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/ or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda Solomito Basar Land Planner Storm Water Pollution
Prevention Plan
Memphis Scrap, LLC

June 21st 2022

Property Overview

- Memphis Scrap, LLC is leasing 9.67 acres at 999 Channel Avenue.
- ❖ 5.42 acres of this property are relatively flat and not covered. All outflow runs from West to East towards an existing berm and Mckellar Lake.
- The the railroad has an active line and spur on the West end of the property along Channel Avenue. This prevents any drainage from crossing onto Channel Ave and/or any storm drains attached to Channel Ave.
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- 1. Inventory of exposed materials within the last 3 years.
- 2. List of known spills and leaks within the last 3 years.
- 3. Sampling data within the last 3 years.
- 4. Inspection and maintenance records.
- 5. Material safety data sheets.
- 6. Inventory and location of spill prevention materials



Topography Map



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

| notice Sign(s) pertaining to case number Sup- Mat (address) Sign(s) pertaining to case number Sup- Mat (address) |
|---|
| Notice Sign(s) pertaining to case number (address) 999 Moyar See (providing notice of a Public Hearing before the many section of a proposed land use action |
| |
| Ilco Variance . Louing |
| D' 1 de la mandment |
| hereon and a copy of the signs purchase receipt or rental contract attaches hereto. |
| Owner, Applicant or Representative Sept. 29 - 7022 Date |
| Subscribed and sworn to before me this 29 day of Systah 2007. |
| Subscribed and sworn to before me this day of day of 100%. |
| Notary Public TENNESSEE TENNESSEE |
| My Commission Expires: Public 15 |



LETTERS RECEIVED

No letters received at the time of completion of this report.



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Assignment

Opened Date: September 8, 2022

Record Number: SUP 2022-026 Expiration Date:

Record Name: Morgan Steel SUP

Description of Work: Request for Special Use Permit approval for the Morgan Steel property on Channel

Drive to operate as an industrial (metal) recycling facility.

Parent Record Number:

Address:

999 CHANNEL AVE, MEMPHIS 38106

Owner Information

Primary Owner Name

Y THOMPSON VALERIE TRUST CREATED UNDER THE

Owner Address Owner Phone

670 COLONIAL RD, MEMPHIS, TN 38117

Parcel Information

050107 00014

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner Chip Saliba
Date of Meeting 07/26/2022
GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

Page 1 of 3 SUP 2022-026

GENERAL PROJECT INFORMATION

List any relevant former Docket / Case N/A
Number(s) related to previous applications on
this site
Is this application in response to a citation, stop
work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GIS INFORMATION

Case Layer Central Business Improvement District No
Class Downtown Fire District No
Historic District Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District Zoning IH
State Route Lot 1

Subdivision MCKELLAR LAKE / PT COMMERCIAL CARRIER

See Attached

See Attached

See Attached

See Attached See Attached

See Attached

Planned Development District Wellhead Protection Overlay District -

Contact Information

Name Contact Type
MORGAN STEEL APPLICANT

Address

Phone

Page 2 of 3 SUP 2022-026

| Fee Inform | nation | | | | | |
|------------|--|------------------|--------------|------------|------------|---------------|
| Invoice # | Fee Item | Quantity | Fees | Status | Balance | Date Assessed |
| 1412560 | Special Use Permit Fee - 5 acres or less (Base Fee) | 1 | 500.00 | INVOICED | 0.00 | 09/08/2022 |
| 1412560 | Special Use Permit Fee Per Acre (each acre or fraction thereof over 5 acre) | 5 | 250.00 | INVOICED | 0.00 | 09/08/2022 |
| 1412560 | Credit Card Use Fee (.026 x fee) | 1 | 19.50 | INVOICED | 0.00 | 09/08/2022 |
| | Т | otal Fee Invoice | ed: \$769.50 | Total Bala | nce: \$0.0 | 00 |

Payment Information

Payment Amount Method of Payment \$769.50 Credit Card

Page 3 of 3 SUP 2022-026

City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

Signature of Notary Public

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

| I, Device Showpson state that I have read the definition of "Owner" as outlined in the Memphis and Shelby |
|---|
| County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): |
| I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage hold of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land mortgage or vendee in possession; or I have a freehold or lesser estate in the premises |
| I have charge, care or control of the premises as trustee, agent, executor, administrator, assigned received, in guardian or lessee (and have included documentation with this affidavit) |
| of the property located at and further |
| identified by Assessor's Parcel Number |
| application is being made to the Division of Planning and Development. |
| Subscribed and sworn to (or affirmed) before me this day of day of in the year of 20 |
| 1/2013 08/05/2023 |

My Commission Expires

City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

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| I, Land Hack , state that I have read the definition of "Owner" as outlined in the Memphis and Shelby | | | | | |
|--|--|--|--|--|--|
| County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): | | | | | |
| I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises | | | | | |
| I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit) | | | | | |
| of the property located at 999 Channel A/2 STATE OF TENNESSEE NOTARY PUBLIC TO SWITCH AND ASSESSOR'S Parcel Number | | | | | |
| application is being made to the Division of Planning and Development. My Commission Expires August 5, 2023 | | | | | |
| Subscribed and swom to (or affirmed) before me this day of day of in the | | | | | |
| year of 20 <u>22</u> . | | | | | |

My Commission Expires

September 8, 2022



Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Application for Special Use Permit

Morgan Steel – 979 and 985 Channel Drive Memphis, TN 38106

Dear Brett:

We are pleased to submit an application for a Special Use Permit on behalf of Morgan Steel. The property is part of the McKellar Lake Subdivision recorded in 1963 and is zoned Heavy Industrial (I-H). As a part of the Morgan Steel expansion, they leased the property in June of 2022 and is seeking permission to perform industrial (metal) recycling at this location.

Morgan Steel is a metal service center and contract manufacturer based out of Memphis, TN. They offer steel distribution, processing, and delivery via an in-house fleet across the country. The industries we supply include OEMs, steel service centers, fabricators, agriculture, material handling, and more.

Morgan Steel was founded in February 2014 with a 45,000-square-foot warehouse and less than twenty employees, five trucks, one shear, two saws, and a vision. They have grown to a team of almost 200 people and still hold the values that made us successful from the beginning.

They now offer massive processing capabilities and distribute over 400 tons of steel daily with our ever-growing fleet of trucks. We are continually investing in growth to maintain short lead times and the flexibility needed to adapt to the new ways that customers are coming to the market.

In accordance with the Approval Criteria (UDC Section 9.6.9)

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare:

The property is located on President's Island and is surrounded by other Heavy Industrial uses. The proposed use and site are compatible with the surrounding uses. All services and public facilities are in place. This request will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations:

President Island is the perfect location for the Morgan Steel Recycling facility as it is zone Heavy Industrial, and the recycling use will be perfectly compatible with the immediate vicinity as originally approved in 1963.



The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services.

All public facilities and services are in place.

The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

The site is fully developed as an industrial use. The granting of the special use permit will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.

The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

The project complies with all applicable regulations.

The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties:

The project complies with all applicable plans to be considered.

GENERAL PROVISIONS (UDC Section 4.10.3)

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County:

Again, the property is zoned Heavy Industrial and is located on President's Island where the surrounding properties operate at a similar intensity. The granting of this request will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development:

All utilities are available and adequate to serve this site.

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/ or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda Solomito Basar Land Planner

Prevention Plan

Memphis Scrap, LLC

Storm Water Pollution

June 21st 2022

Property Overview

- Memphis Scrap, LLC is leasing 9.67 acres at 999 Channel Avenue.
- 5.42 acres of this property are relatively flat and not covered. All outflow runs from West to East towards an existing berm and Mckellar Lake.
- The the railroad has an active line and spur on the West end of the property along Channel Avenue. This prevents any drainage from crossing onto Channel Ave and/or any storm drains attached to Channel Ave.
- Previous tenants have built up a berm on the East end of the property. This berm is made up of limestone, sand and concrete barriers. It is a barrier between the property and Mckellar Lake. Natural vegetation has also built up along the berm and extending down to the sandbar below.
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- Memphis Scrap will be operating an industrial recycling facility at 999 Channel Ave. New production steel, aluminum, and copper will be its primary focus.
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- The warehouse covers close to 30,000 sq feet and will be used for any equipment maintenance. It has two vehicle inspection pits to help capture any mechanical debris during scheduled maintenance.

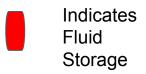
Proactive Measures

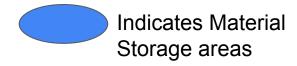
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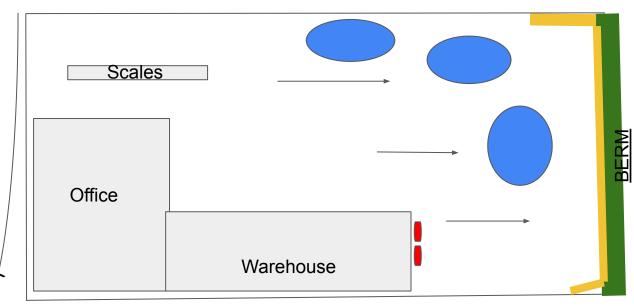
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RP

Topography Map



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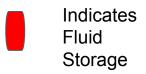
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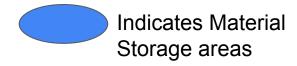
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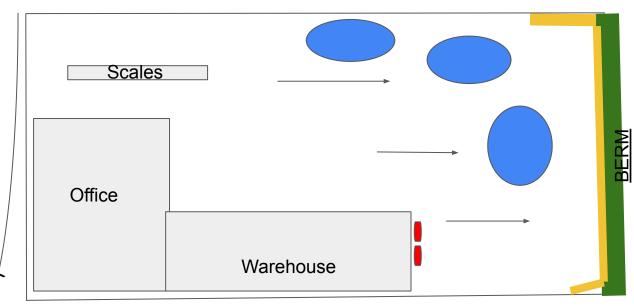
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RP

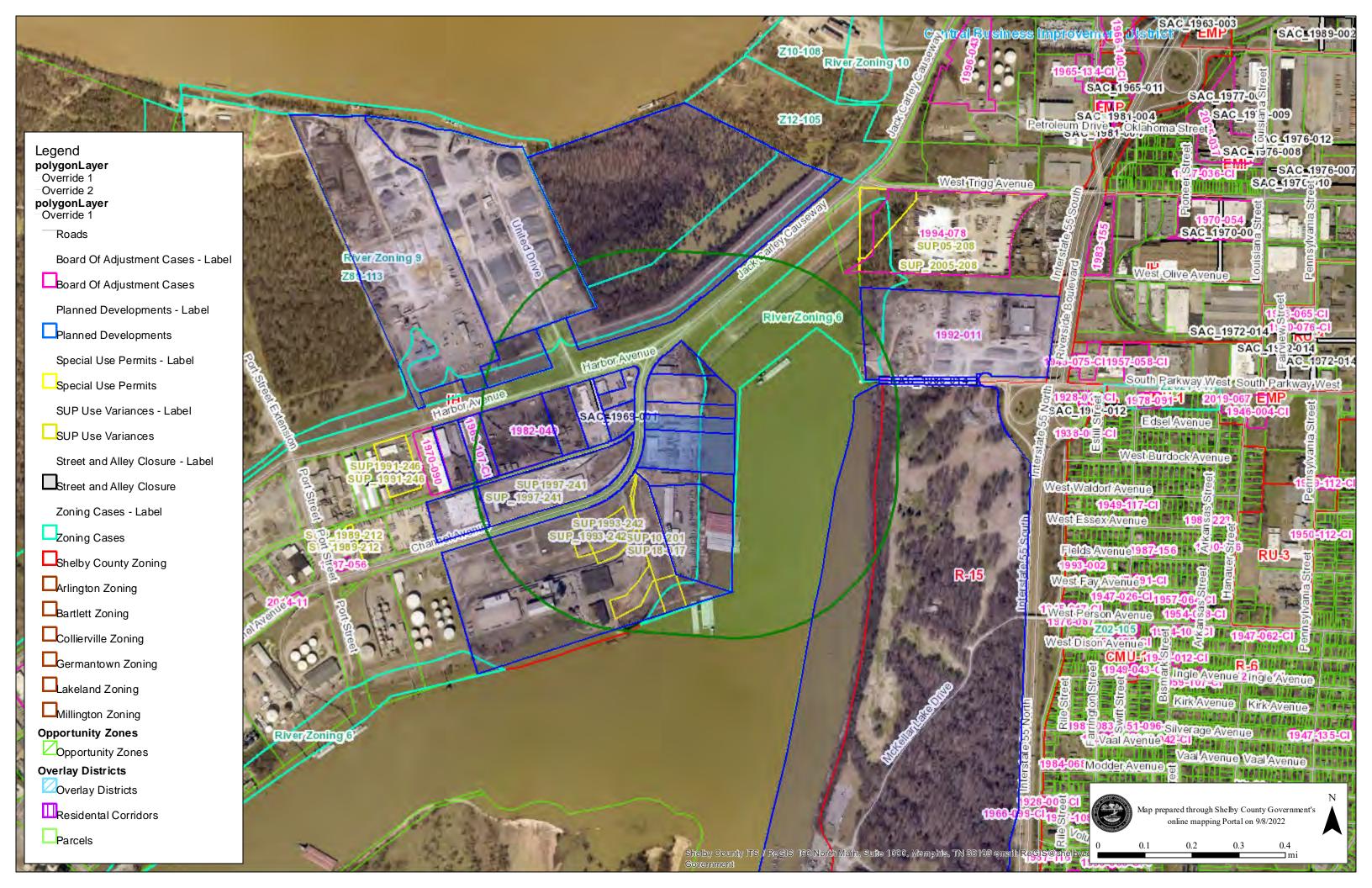
Topography Map





- Property contains two lots
- Zoned Heavy Industrial (I-H)
- Subdivision Recorded in 1963
- Heavy Industrial uses existed on the site since 1963.
- Leased property for Morgan Steel recycling facility in June 2022.
- The request for Special Use Permit is to allow metal recycling in addition to the existing permitted uses.





```
024002 00006 - MMC MATERIALS
050107 00008 - HAYGOOD REALTY COMPANY LP
050105 00010 - 1095 HARBOR AVENUE LLC
050105 00124 - ARTHUR BOYD III AND ROBERT ARTHUR
050106 00007C - 1146 CHANNEL LLC
050102 00070C - APAC-TENNESSEE INC
050102 00067 - MEMPHIS CITY AND SHELBY COUNTY
050102 00068 - VULCAN LANDS INC
050102 00075 - MEMPHIS CITY OF AND SHELBY CO
050105 00129 - PRIDE SMART LLC
050105 00130 - PRIDE SMART LLC
050105 00126 - WEST STAR PROPERTIES
050105 00125 - TEN NINETY FIVE HARBOR AVENUE LLC
050105 00128 - WEST STAR PROPERTIES
050105 00131 - LUNA PROPERTIES LLC
050107 00015 - T & B TRUCKING INC
050107 00004 - CITY OF MEMPHIS & CO OF SHELBY
050106 00006 - DREXEL CHEMICAL CO
050107 00010 - T & B TRUCKING INC
035001 00006 - MEMPHIS CITY OF
024002 00006Z - MMC MATERIALS
035001 00002Z - CITY OF MEMPHIS PARK COMMISSION
050107 00009 - HAYGOOD REALTY COMPANY LP
050107 00013 - HAYGOOD REALTY COMPANY LP
050107 00012 - HAYGOOD REALTY COMPANY LP
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050107 00014 - THOMPSON VALERIE TRUST CREATED UNDER THE

MMC MATERIALS 133 NEW RAGSDALE RD MADISON MS 39110

PRIDE SMART LLC 3264 W SARAZENS CIR # MEMPHIS TN 38125

MMC MATERIALS 133 NEW RAGSDALE RD MADISON MS 39110

HAYGOOD REALTY COMPANY LP WEST STAR PROPERTIES 670 COLONIAL # MEMPHIS TN 38117

PO BOX 188 # GARY SD 57237

CITY OF MEMPHIS PARK COMMISSION 125 N MAIN ST # MEMPHIS TN 38103

P.O. BOX 1037 ALBERTVILLE AL 35950

1095 HARBOR AVENUE LLC TEN NINETY FIVE HARBOR AVENUE LLC P O BOX 1037 # ALBERTVILLE AL 35950

HAYGOOD REALTY COMPANY LP 670 COLONIAL #1 MEMPHIS TN 38117

ARTHUR BOYD III AND ROBERT ARTHUR WEST STAR PROPERTIES PO BOX 13164 # MEMPHIS TN 38113

P O BOX 175 # GARY SD 57237

HAYGOOD REALTY COMPANY LP 670 COLONIAL #1 MEMPHIS TN 38117

1146 CHANNEL LLC 4300 MILLINGTON RD MEMPHIS TN 38127

LUNA PROPERTIES LLC 1255 HARBOR AVE # MEMPHIS TN 38113

HAYGOOD REALTY COMPANY LP 670 COLONIAL #1 MEMPHIS TN 38117

APAC-TENNESSEE INC PO BOX 55038 # LEXINGTON KY 40555

T & B TRUCKING INC 1029 CHANNEL AVE # MEMPHIS TN 38113

THOMPSON VALERIE TRUST CREATED UNDER THE 670 COLONIAL RD #1 MEMPHIS TN 38117

MEMPHIS CITY AND SHELBY COUNTY 125 N MAIN ST # MEMPHIS TN 38103

CITY OF MEMPHIS & CO OF SHELBY GENERAL DELIVERY # MEMPHIS TN 38101

VULCAN LANDS INC 1200 URBAN CENTER DR # BIRMINGHAM AL 35242

DREXEL CHEMICAL CO PO BOX 13327 # MEMPHIS TN 38113

MEMPHIS CITY OF AND SHELBY CO 125 N MAIN ST # MEMPHIS TN 38103

T & B TRUCKING INC RR 3 # BELLS TN 38006

PRIDE SMART LLC 3264 W SARAZENS CIR # MEMPHIS TN 38125

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

| For Current Resident 1385 RIVERSIDE DR # Memphis, TN 38106 | For Current Resident 1037 HARBOR AVE # Memphis, TN 38113 | For Current Resident S PARKWAY # Memphis, TN 38106 |
|--|---|--|
| For Current Resident 949 CHANNEL AVE # Memphis, TN 38106 | For Current Resident 1055 HARBOR AVE # Memphis, TN 38113 | For Current Resident S PARKWAY # Memphis, TN 38109 |
| For Current Resident 1101 HARBOR AVE # Memphis, TN 38113 | For Current Resident 1095 HARBOR AVE # Memphis, TN 38113 | For Current Resident 929 CHANNEL AVE # Memphis, TN 38106 |
| For Current Resident 1165 HARBOR AVE # Memphis, TN 38113 | For Current Resident 970 CHANNEL # Memphis, TN 38113 | For Current Resident 969 CHANNEL AVE # Memphis, TN 38106 |
| For Current Resident 1146 CHANNEL AVE # Memphis, TN 38113 | For Current Resident 1175 HARBOR AVE # Memphis, TN 38113 | |
| For Current Resident 1200 HARBOR AVE # Memphis, TN 38113 | For Current Resident 1029 CHANNEL AVE # Memphis, TN 38106 | |
| For Current Resident 985 CHANNEL AVE # Memphis, TN 38106 | For Current Resident 979 CHANNEL AVE # Memphis, TN 38106 | |
| For Current Resident 1074 HARBOR AVE # Memphis, TN 38113 | For Current Resident 1184 CHANNEL AVE # Memphis, TN 38113 | |
| For Current Resident HARBOR AVE # Memphis, TN 38113 | For Current Resident 1029 CHANNEL AVE # Memphis, TN 38106 | |
| For Current Resident 1005 HARBOR AVE # Memphis, TN 38113 | For Current Resident RIVERDALE RD # Memphis, TN 38109 | |

NOTE: BEARINGS AS SHOWN

(A RE-SUBDIVISION OF PARCEL 2 OF RAYZOR AND BARROWS SUBDIVISION OF LOT OF MEMPHIS AND SHELBY COUNTY PORT COMMISSION'S THOUSTRIAL SUBDIVISION MEMPHIS SHELBY COUNTY TENNES

Tom Leatherwood, Shelby County Register of Deeds: Instr # BH5251

BH 5251

3

THIS INSTRUMENT PREPARED BY AND REFURN TO:
B. Douglas Earthman
WARING COX
Horgan Keegan Tower
50 N. Front Street

Suite 1300 Memphis, Tennessee 38103

RETURN TO

Philip G. Kaminsky, Attorney 1755 Kerby Parkway, Suite 100 Memphis, TN 38119

WARRANTY DEED

THIS INDESTURE, made and entered into as of the 3/2 day of October, 1989, by and between V & R Company, a Tennessee general partnership composed of Valerie H. Thompson and James R. Haygood, III, ("Grantor") and Haygood of Mississippi, Inc., a Mississippi corporation ("Grantee").

WITNESSETH:

For and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto Grantee the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

Part of Lots 3 and 4 of Commercial Carriers Subdivision, as recorded in Plat Book 26, Page 47, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the east line of Channel Avenue (100 feet wide) a distance of 2.00 feet northwardly from the southwest corner of Lot 3, as measured along the east line of Channel Avenue, said point of beginning being in the west line of Lot 3 in Commercial Carriers Subdivision; thence south 88 degrees, 26 minutes, 39 seconds east along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east boundary line of Commercial Carriers Subdivision; thence south 01 degree, 33 minutes, 21 seconds west along the east boundary line of said subdivision a distance of 135.00 feet to a point; thence north 88 degrees, 26 minutes, 39 seconds west along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east line of Channel Avenue, same being a point in the west line of Lot 4; thence north 01 degree, 33 minutes, 21 seconds east along the east line of Channel Avenue, same being along the west line of Lot 4 and Lot 3 a distance of 135.00 feet to the point of beginning.

Being the same property conveyed to Grantor by Warranty Deed of record at Instrument No. Tl 6550 in the Register's Office of Shelby County, Tennessee.

This deed is executed and delivered pursuant to an agreement by the general partners of V & R Company, the Grantor herein, to liquidate the partnership as of January 1, 1983.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, its/his successors and assigns in fee simple forever.

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, More Solvettan, a Notary Public in the aforesaid State and County, duly commissioned and qualified, personally appeared Valerie H. Thompson and J. R. Haygood, Jr., Executor of the Estate of James R. Haygood, III, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged themselves to be all of the partners of V & R Company, the within named bargainor, a partnership, and that they as such partners executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by themselves as such partners.

WITHESS my hand and seal, at office in Memphis, Tennessee, this 151 day of October, 1989.

Brate Mellin

My Commission Expires:

My Commission Expires March 2, 1993

Property address:

* * * * * * * * * *

979 Channel Avenue Memphis, Tennessee

Person or Entity Responsible for Payment of Taxes:

Haygood of Mississippi, Inc. 999 Channel Avenue Memphis, TN 38113

Property Owner and Address: Haygood of Mississippi, Inc. 999 Channel Avenue Memphis, TN 38113

T.G.# WC# 27004.3(18) I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater is \$138,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Michael B Brewer Chaput

Subscribed and sworn to before me the 3/37 day of October, 1989.

Production Public

My Commission Expires:

My Commission Expires March 2, 1993

Grantor hereby covenants with the Grantee that Grantor is lawfully seized in fee of the aforedescribed real estate; that Grantor has a good right to sell and convey the real estate; that the title and quiet possession to the real estate Grantor hereby warrants and will forever defend against the lawful claims of all persons. Grantor further covenants and warrants that title to the real estate conveyed to Grantee hereby is unencumbered, except for any outstanding City of Memphis and Shelby County taxes, not yet due and payable; subdivision restrictions, building lines and easements of record in Plat Book 26, Page 47, and 10 foot sewer line easement of record in Book 4869, Page 67, both in the Register's Office of Shelby County, Tennessee.

The words Grantor and Grantee as used herein shall mean "Grantors" and "Grantees" if more than one person or entity is referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signatures of the Grantor as of the day and year first above written.

GRANTOR:

V & R Company, a Tennessee general

partmership

by: Malerie Thompson, partner

J. R. Haygood, Jr.,
Executor of the Estate by: of James R. Haygood, III,

partner

Thompson, mdividually,

R. Haygood, ðr., Executor of the Estate

of James R. Haygood, III, individually

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, Skaks/ijc(cller, a Notary Public in the aforesaid State and County, duly commissioned and qualified, personally appeared Valerie H. Thompson and J. R. Haygood, Jr., Executor of the Estate of James R. Haygood, III, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that they executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal, at office in Memphis, Tennessee, this 3137 day of October, 1989.

Notary Public

My commission expires:

My Commission Expires March 2, 1993

BH5251

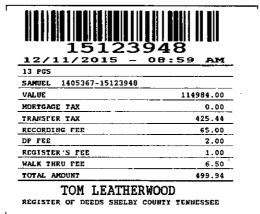
SHELDY COUNTY OF REGISTER OF DEEDS

1989 NOV -1 PH 3: 56





As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



This Instrument Prepared By and Return To: Michael B. Chance Baker, Donelson, Bearman, Caldwell & Berkowitz, PC 165 Madison Avenue, Suite 2000 Memphis, Tennessee 38103

SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into as of this That day of December, 2015, by and between Louise Haygood Whittemore, a married person, and James R. Haygood, IV, a married person (collectively, the "Grantor"), and Temple M. Montgomery, Trustee of the Valerie Thompson Trust Created Under the J.R. Haygood Revocable Trust Dated December 11, 1990 (the "Grantee").

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, and convey unto the Grantee, the real estate situated and being in the County of Shelby, State of Tennessee, and being more particularly described as follows (the "Property"):

SEE **EXHIBIT A** ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Being the same property conveyed (i) to James R. Haygood by deed of record in Book 5039, Page 12 in the Register's Office of Shelby County, Tennessee and (ii) to James R. Haygood, Jr. (one and the same person as James R. Haygood) by deed of record in Book 5236, Page 240 in such Register's Office, less and except that certain property conveyed by deeds of record (A) in Book 5039, Page 21, (B) at Instrument No. J4 5158, and (C) at Instrument No. EL 2939, all in such Register's Office. James R. Haygood died on or about June 6, 1995. Pursuant to the Last Will and Testament of James R. Haygood, Deceased, in the Probate Court of Shelby County, Tennessee, Docket No. B-25718, the Property vested in the Trustee of the J.R. Haygood Revocable Trust dated December 11, 1990. While the beneficiaries of the J.R. Haygood Revocable Trust dated December 11, 1990 were (x) the Trustee of the Letitia M. Haygood Marital Trust, (y) the Trustee of the Letitia M. Haygood GST Exempt Trust, and (z) the Trustee of the J.R. Haygood Family Trust, the Property was allocated to the Letitia M. Haygood Marital Trust by the Trustee of the J.R. Haygood Revocable Trust dated December 11, 1990. Letitia M. Haygood died on or about September 19, 2012. Pursuant to the terms of the J.R. Haygood Revocable Trust dated December 11, 1990, the Property, which was then held by the Trustee of the Letitia M. Haygood Marital Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, became vested in (1) the Trustee of the Valerie Thompson Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990 and (2) Louise Haygood Whittemore and James R. Haygood, IV, each being over the age of thirty-five (35) years at that time. As of the date hereof, the owners the Property are Louise Haygood Whittemore, James R. Haygood, IV, and Temple M. Montgomery, Trustee of the Valerie Thompson Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990. Accordingly, the Grantors hereunder are Louise Haygood Whittemore and James R. Haygood, IV. Temple M. Montgomery, Trustee of the J. R. Haygood Revocable Trust dated December 11, 1990, and Temple M. Montgomery, Trustee of (i) the Letitia M. Haygood Marital Trust, (ii) the Letitia M. Haygood GST

Exempt Trust, (iii) the J.R. Haygood Family Trust, and (iv) the Jimmy Haygood Trust, all created under the J.R. Haygood Revocable Trust dated December 11, 1990, joins herein to quitclaim and does hereby quitclaim whatever right, title, and interest, if any, it may have in the Property to the Grantee. Sarah Stegall Haygood, spouse of James R. Haygood, IV, and John Russell Whittemore, spouse of Louise Haygood Whittemore, join herein to quitclaim and do hereby quitclaim whatever right, title, and interest, if any, they may have in the Property by virtue of their respective marriage to such Grantor spouse to Grantee. It is the intent that by virtue of this deed that Temple M. Montgomery, Trustee of the Valerie Thompson Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, shall be the sole owner of the Property. The legal description of the Property is taken from the deeds described above.

TO HAVE AND TO HOLD the Property together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, its successors and assigns in fee simple forever.

Grantor hereby covenants with Grantee that its is lawfully seized in fee of the Property; that it has a good right to sell and convey the same; that the same is unencumbered, except for those items set forth on **EXHIBIT B** attached hereto and incorporated hereby by reference; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming by, through, and under a conveyance from the Grantor but not further or otherwise.

The words Grantor and Grantee as used herein shall mean "Grantors" and "Grantees," respectively, if more than one person or entity be referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

THIS INSTRUMENT WAS PREPARED SOLELY FROM THE REVIEW OF TITLE FILE NUMBER 5481672 (THE "TITLE FILE"), CERTIFIED AS OF SEPTEMBER 28, 2015, PREPARED BY CHICAGO TITLE INSURANCE COMPANY. THE PREPARER MAKES NO REPRESENTATION AS TO THE STATUS OF TITLE TO THE PROPERTY BEING CONVEYED HEREIN. THIS INSTRUMENT HAS BEEN PREPARED SOLELY FROM INFORMATION CONTAINED IN THE TITLE FILE, AND THE PREPARER MAKES NO REPRESENTATION WHATSOEVER OTHER THAN THAT IT HAS BEEN ACCURATELY TRANSCRIBED FROM THE INFORMATION CONTAINED IN THE TITLE FILE.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS the signatures of Grantor and those parties joining in this special warranty deed as of the day and year first above written.

Louise Haygood Whittemore

Temple M. Montgomery, Trustee of the J. R. Haygood Revocable Trust dated December 11, 1990

Temple M. Montgomery, Trustee of the Letitia M. Haygood GST Exempt Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990

Temple M. Montgomery, Trustee of the Jimmy Haygood Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990

John Russell Whittemore

James R. Haygood, IV

Temple M. Montgomery, Trustee of the Letitia M. Haygood Marital Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990

Temple M. Montgomery, Trustee of the J.R. Haygood Family Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990

Sarah Stegall Havgood

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared Louise Haygood Whittemore, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial seal, at office this 4th day of December, 2015.

My Commission Expires:

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared James R. Haygood, IV, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial seal, at office this 41 day of December, 2015.

My Commission Expires:

Notary Publi

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of December, 2015.

My Commission Expers: OF TENNES

ESSEE ESSEE

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the Letitia M. Haygood Marital Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 300 day of 1000 day

Shon Expires 09

My Commission Expires

Notary Public

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the Letitia M. Haygood GST Exempt Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 3RD day of DCCM

My Commission Expires:

Mannanin ... Ssion Expires (1) **COUNTY OF SHELBY**

STATE OF TENNESSEE

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the J.R. Haygood Family Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Witness my hand and seal this the 300 day of 1000 My Commission Expires:

| My Commission Expires: | OF | TENNESSEE | NOTARY | PUBLIC | PUBLIC

> Munnani S Unission Expires Os

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Temple M. Montgomery, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Trustee of the Jimmy Haygood Trust created under the J.R. Haygood Revocable Trust dated December 11, 1990, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing his name as such Trustee.

Before me, a Notary Public of the State and County aforesaid, personally appeared Sarah Stegall Haygood, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

TENNESSEE

WITNESS my hand and Notarial seal, at office this 4th day of December, 2015.

Notary Public

My Commission Expires:

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public of the State and County aforesaid, personally appeared John Russell Whittemore, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial seal, at office this 4th day of 2015

Notary Public

My Commission Expires:

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred whichever is greater, is \$\frac{114}{984}\$, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

TENNESSEE NOTARY

ffiant

Subscribed and sworn to before me this

7th day of DOCOMO

Notary Public

My Commission Exp

Property Address: 985 Channel Avenue Memphis, Tennessee

Tax Parcel I.D. No.: 50-107-14

Property Owner's Name and Address and Mail Tax Bills to:

Memonis, TN 3811

EXHIBIT A

Situated and lying in Shelby County, Tennessee:

TRACT I:

"Lot 2, Rayzor and Barrow Subdivision as shown on plat of record in plat book lc. Page 22, in the Register's office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of eaid property."

TRACT II:

Lot 4 and the South 2 feet of Lot 3, Commercial Carriers Subdivision, as same is shown on Plat of Record in Plat Book 26, Page 47, Register's Office, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the East line of Channel Avenue (100 feet wide) at the most western Southwest corner of Lot 4 of said Subdivision; thence North 1 degree 33 minutes 21 seconds East along the East line of Channel Avenue 161.76 feet to a point, the Northwest corner of the property conveyed to Commercial Carriers, Inc., by instrument of record in Book 5022, Page 333, of said Register's Office; thence Eastwardly by an interior angle of 90 degrees, parallel and two feet North of the line dividing Lots 3 and 4 of said Subdivision, and along the North line of the property conveyed to Commercial Carriers. Inc. as above recited a distance of 824, 95 feet to a point in the East line of said subdivision, the Northeast corner of the property conveyed to Commercial Carriers, Inc., as above recited; thence South 1 degree 33 minutes 21 seconds West, along the East line of said Subdivision a distance of 761.01 feet to the Southeast corner of Lot 4 of said subdivision; thence following the line of said Lot 4, North 51 degrees 19 minutes 49 seconds West 411, 64 feet, North 88 degrees 26 minutes 39 seconds West 221.69 feet, North 1 degree 39 minutes 21 seconds East 350, 88 feet, North 88 degrees 26 minutes 39 seconds West 275 feet to the point of beginning.

est angre in genter de Mork et Diele de Geleiche de Art. de Art.

LESS AND EXCEPT:

TRACT I:

Parcel I:

Part of Parcel 2 in Payzor & Barrow Subdivision of Lot 1 of Memphis & Shelby County Port Commission's Industrial Subdivision, and being more particularly described as follows:

Beginning at a point in the east line of Lot 2 in Memphis & Shelby County Port Commission's Industrial Subdivision, said point of beginning being 65.00 feet southeast of an iron stake located at an engle point in the cost line of said Lot 2, said iron stake being 377.10 fest south of the northeast corper of said lot 2 as measured along the east line of said lot 2; thence south 16 degrees, 49 minutes, 34 seconds east along the east line of said lot 2 a distance of 886.32 feet to a point; thence south 60 degrees, 56 minutes, 09 seconds east along the easterly line of said lot 2, a distance of 591.92 feet to a point in the Harbor Channel Line; thence along the Harbor Channel Line north I degree, 33 minutes 21 seconds east a distance of 962.91 feet to the southeast corner of Lot 4 in Commercial Carriers Subdivision; thence north 51 degrees, 19 minutes, 49 seconds west along the scuthwest line of lot 4 in Commercial Carriers Subdivision a distance of 251.22 feet to a stake; thence north 88 degrees 26 minutes 39 seconds west and parallel with the line dividing Lots 3 and 4 in Connercial Carriers Subdivision a distance of 604.76 feet to the point of beginning.

Parcel II:

ALGO:

A permanent non-exclusive essement for ingress and egrees described

Beginning at a point in the northwest corner of the above described percel; running thence in a northwardly direction along the west line of the property of the parties of the second partherein a distance of 20 feet, more or less, to a point in the southeast line of that certain essement dated February 6, 1963, between Memphis & Shelby County Port Commission, City of Memphis and County of Shelby, to J. R. Haygood; running thence north by degrees be minutes 34 seconds west a distance of 117.95 feet to a point in the easterly line of railroad spur track right-of-way (34 fact wide); running thence in a northwardly direction and along the east line of said spur track right-of-way a distance of 41.1 feet to a point; running thence south 49 degrees 46 minutes 34 seconds east a distance of 130 feet, more or lass, to a point that is 35 feet eastwardly from the west line of the property owned by the parties of the first part berein as measured at right angles to said west line; running thence south 16 degrees 49 minutes 34 seconds east and parallel to said west line a distance of 55 feet, more or loss, to a point in the north line of Parcel I hereinshove described; running thence westwardly 35 feet, more or less, to the point of beginning.

TRACT II:

Part of Lots 3 and 4 of Commercial Carriers Subdivision, as recorded in Plat Book 26, Page 47, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the east line of Changel Avenue (100 feet wide) a distance of 2.00 feet northwardly from the southwest corner of Lot 3, as recepused along the east line of Channel Avenue, said point of beginning being in the west line of Lot 3 in Commercial Carriers Subdivision; thence south 88 degrees, 26 minutes, 39 seconds east along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the east boundary line of Commercial Corriers Subdivision; thence south Ol degree, 33 minutes, 21 seconds west along the east boundary line of said subdivision a distance of 135.00 feet to a point; thence north 88 degrees, 26 minutes, 39 seconds west along a line which is parallel with the dividing line of Lots 3 and 4 a distance of 824.95 feet to a point in the aast line of Chemnel Avenue, same being a point in the west line of Lot 4; thence north 01 degree, 33 minutes, 21 seconds east along the east line of Channel Avenue, same being along the west line of Lot 4 and Lot 3 a distance of 135.00 feet to the point of beginning.

and the second second second

TRACT III:

Buydining at a point in the northwest corner of 7.04 2, McRellar Lake Subdivision (P) at Book 28, Page 10), said point being in the northeasterly line of Channol Pizce and a 35 foot manitary never essent; thence North 16 degrees 49 zinutes 14 seconds Want a distance of 53.27 feet to a point; thence Morth 49 degrees 46 zinutes 14 seconds west a distance of 5).98 feet to a point; thence Worth 61 degrees 33 zinutes 21 seconds East a distance of 63.0 feet to a point; thence Routh 88 degrees 26 zinutes 39 seconds East a distance of 824.95 feet to a point; thence Worth 01 degrees 33 zinutes 21 seconds West a distance of 834.95 feet to a point; thence Worth 01 degrees 33 zinutes 21 seconds West a distance of 30).59 feet to a point; thence Horth 88 degrees 15 zinutes 49 seconds West a distance of 251.22 feet to a point; thence Horth 88 degrees 15 zinutes 49 seconds West a distance of 567.88 feet to the point of beginning.

EXHIBIT B

- 1. The lien of the following general and special taxes for the year or years specified and subsequent years: 2016 Shelby County real property taxes, not yet due and payable, and 2016 City of Memphis real property taxes, not yet due and payable.
- 2. Subdivision restrictions, building lines, and easements of record in Plat Book 17, Page 2; Plat Book 18, Page 22; Plat Book 26, Page 47; and Plat Book 28, Page 18, all in the Register's Office of Shelby County, Tennessee.
- 3. Easements of record in Book 4869, Page 67; Book 5039, Page 21; Book 5067, Page 97; and Instrument Nos. E6 4212, CN 5708, EL 2939, H8 8248, and J2 7390, all in such Register's Office.
- 4. Memorandum lease of lease of record at Instrument No. BK 5240, rerecorded at Instrument No. BP 2362, both in such Register's Office.

From: <u>Brenda Solomito Basar</u>

To: Ford Sr., Edmund; Johnson, Cheyenne; Bacchus, Brian; Owens, Brianna; Amanda Presley Hood; Wilkins-Hitchings, Nina

Subject: Morgan Steel SUP Set for November 15, 2022

Date: Tuesday, November 8, 2022 2:16:13 PM

Attachments: Image_png

morgan steel sup presentation 9-8-22.pdf

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon all,

An application for a SUP is set to be heard by the Memphis City Council on November 15, 2022. The application to permit recycling was approved unanimously by the Land Use Control Board and without opposition on October 13, 2022.

Located on President's Island and zoned Heavy Industrial (I-H), Morgan Steel seeks to expand its existing operation. Morgan Steel is a metal service center and contract manufacturer based out of Memphis, TN. They offer steel distribution, processing, and delivery via an in-house fleet across the country. The industries we supply include OEMs, steel service centers, fabricators, agriculture, material handling, and more.

Please do not hesitate to call me at 901-569-0310 if you have any questions.

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Brenda Solomito Basar 901.569.0310 cell solomitolandplanning.com



Proposed Special Use Permit





Morgan Steel is a metal service center and contract manufacturer based out of Memphis, TN. We offer steel distribution, processing, and delivery via an in-house fleet across the country. The industries we supply include OEMs, steel service centers, fabricators, agriculture, material handling, and more.

Morgan Steel was founded in February 2014 with a 45,000-square-foot warehouse. We began with less than twenty employees, five trucks, one shear, two saws, and a vision. We have grown to a team of almost 200 people and still hold the values that made us successful from the beginning. We believe building relationships will allow us to provide the best value, service, and quality.

We now offer massive processing capabilities and distribute over 400 tons of steel daily with our ever-growing fleet of trucks. We are continually investing in growth to maintain short lead times and the flexibility needed to adapt to the new ways that customers are coming to the market. We exist because of the people who got us here - our suppliers, families, team members, and customers.



- Property contains two lots
- Zoned Heavy Industrial (I-H)
- Subdivision Recorded in 1963
- Heavy Industrial uses existed on the site since 1963.
- Leased property for Morgan Steel recycling facility in June 2022.
- The request for Special Use Permit is to allow metal recycling in addition to the existing permitted uses.





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This resolution amends the Fiscal Year 2023 Capital Improvement Budget by transferring and appropriating funds for Traffic Signal Improvements to the Intersection of Poplar at Avalon.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This project is being initiated by the Division of Engineering.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This project does not involve a change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

This project will be located in Council District 5 and Super District 9

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This Traffic Signal project will not require a new contract. An existing On-Call contract is available.

6. State whether this requires an expenditure of funds/requires a budget amendment

Expenditure of funding will be required.

7. If applicable, please list the MWBE goal and any additional information needed

The MWBE Goal for this project is set at 0% due to a lack of MWBE vendors certified to perform this type of work.



A Resolution appropriating Construction Funds for EN01115 – Traffic Signal Improvements to the intersection of Poplar at Avalon

WHEREAS, the Council of the City of Memphis did include Traffic Signals, Project Number EN23100 as part of the Engineering Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, bids were taken on April 20, 2022, for On-Call Traffic Signal Maintenance and Construction at Various Locations (3-year term), with the lowest complying bid being submitted by submitted by McCrory Electric; and

WHEREAS, it is necessary to transfer an allocation of \$410,000.00 funded by G.O. Bonds – from Traffic Signals, Project Number EN23100 to Traffic Signal Improvements to the Intersection of Poplar at Avalon, Project Number EN01115; and

WHEREAS, it is necessary to transfer \$170,000.00 in previously appropriated G.O. Bond funding – from Traffic Signals FY23, Project Number EN01112 to Traffic Signal Improvements to the Intersection of Poplar at Avalon, Project Number EN01115; and

WHEREAS, it is necessary to appropriate \$580,000.00 funded by G.O. Bonds in Traffic Signal Improvements to the Intersection of Poplar at Avalon, Project Number EN01115 as follows:

| Contract Amount | \$560,068.53 | |
|------------------------------|--------------------|--|
| Project Contingencies | <u>\$19.931.47</u> | |
| Total Amount | \$580,000,00 | |

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$410,000.00 funded by G.O. Bonds from Traffic Signals, Project Number EN23100 and \$170,000 in previously appropriated funding from Traffic Signals FY23, Project Number EN01112 to Traffic Signal Improvements to the Intersection of Poplar at Avalon, Project Number EN01115.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$580,000.00 funded by G.O. Bonds and chargeable to the Fiscal Year 2023 Capital Improvement Budget and credited as follows:

Project Title Traffic Signal Improvements to the Intersection of Poplar at

Avalon

Project Number EN01115
Total Amount \$580,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A Resolution approving the acquisition of property located at 0 Stonebrook Circle, parcel ID# 060222 00115C

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
 Engineering and General Services
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is not a change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

Council District 3 and Super district 8

5. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

6. State whether this requires an expenditure of funds/requires a budget amendment

This purchase requires an expenditure of \$170,000.00.

7. If applicable, please list the MWBE goal and any additional information needed N/A

City Council Resolution



A Resolution approving the acquisition of property located at 0 Stonebrook Circle, parcel ID# 060222 00115C

Whereas the City of Memphis desires to acquire the subject property, by condemnation or by purchase, located at 0 Stonebrook Circle on the west side of Sandbrook Street in order to fulfill the conditions for SAC 13-605, Coughlin Drive Street Closure;

Whereas it is necessary to acquire this parcel known as parcel ID 060222 00115C (the "Property"), as further described herein, to meet certain conditions listed in SAC 13-605 resolution: 1. Owner shall maintain a drivable corridor between Brooks Road and the new Coughlin Drive/Stonebrook cul-de-sac without obstructions to vehicular movements; 2. Provide vehicular access between Brooks Road and the new Coughlin Drive/Stonebrook cul-de-sac whenever access to the industrial park is blocked access due to an accident or emergency. A sign shall be posted with a phone number, monitored 24 hours per day, and 7 days per week, to request the opening; 3. Coughlin Drive shall remain open to the public, without any construction, until the realigned Stonebrook/Sandbrook Roads construction is complete and open to the public, pursuant to Case SD 13-701; 4. A second point of access to Highway 51 (Elvis Presley Boulevard) shall be considered and evaluated by the city engineering staff;

Parcel ID 060222 00115C

Lots 23, 24, 25, 26, and the north 70 feet of Lot 27 Revised Brockway Industrial Park Subdivision as recorded in Plat Book 31 Page 21 in the Registers Office of Shelby County, Tennessee.

Whereas it is deemed to be in the best interest of the City of Memphis to acquire the Property hereinafter described which is necessary to meet the conditions of the Coughlin Street closure and to assist in the facilitation of plans by Smith and Nephew; and

Whereas the market value of the acquisition has been determined to be One Hundred Sixty Thousand Dollars (\$160,000.00) by the appraisal dated August 31, 2022, and the City has offered over 106% of the appraised value, which amount equals One Hundred Seventy Thousand Dollars (\$170,000.00).

Now, therefore, be it *resolved,* by the Council of the City of Memphis that the proper officers, agents and employees of the City of Memphis are hereby authorized and directed to acquire said Property, as described above, by condemnation or by purchase, if possible, for the aforementioned purpose.

Be it further *resolved*, that the total amount of <u>ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00)</u> is hereby authorized to be deposited with the Clerk of the Circuit Court of Shelby County, plus attorney fees, and other applicable costs shall be paid.

City Council Resolution

Owner Address: P.O. BOX 869

WARREN MI

48090 0869

Total Acres: Dimensions: Plat BK & PG:

4.614

UNKNOWN

Map prepared on 8/10/2022

Shelandra Y. Ford Shelby County Register of Deeds

SUPERIOR INVESTMENT INC

Tax District: 2022 Appraisal: \$160,900 Parcel ID: MEMPHIS 060222 00115C Parcel Address: 0 STONEBROOK CL

Year Built:

BROOKWAY INDUSTRIAL PARK RE 23THRU26

Subdivision: Lot Number:



JIM STRICKLAND Mayor

November 8, 2022

The Honorable Michalyn Easter-Thomas, Chairman Personnel, Government Affairs, and Annexation Committee City Hall - Room 514 Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Jack Sammons

be reappointed to the Memphis and Shelby County Airport Authority with a term expiration date of December 31, 2029.

I have attached biographical information.

JSS/sss

Cc: Council Members

MEMPHIS & SHELBY COUNTY AIRPORT AUTHORITY 7 Member Board (5) City & (2) County Nominations Oath of Office Required 7 Year Term

Purpose:

To operate the Memphis International Airport, Charles Baker, General Dewitt Spain Airports.

Members:

| City | | | |
|----------------------------|-----------|----------|----------------------|
| Anderson, Belinda | F/B | 12-31-28 | 1 st Term |
| Clary, Pamela | F/B | 12-31-26 | 1 st Term |
| Cooper, Pace | M/W | 12-31-24 | 2 nd Term |
| Glenn, Albert <i>pilot</i> | M/B | 12-31-25 | Partial |
| Sammons, Jack | M/W | 12-31-22 | 1 st Term |
| County | | | |
| Michael Keeney | M/W | 12-31-23 | |
| Gregory Fletcher | M/W pilot | 12-31-28 | |

Attendance Records for Current Members
Memphis & Shelby Co Airport Authority
From January 2021 to date Total No. of Meetings - 21

| Member | Present | Total Meetings |
|--------------|---------|----------------|
| Jack Sammons | 18 | 21 |
| | | |
| | | |
| | | |

Updated 11.8.22



JIM STRICKLAND MAYOR

November 8, 2022

The Honorable Michalyn Easter-Thomas, Chairman Personnel, Government Affairs, and Annexation Committee City Hall - Room 514 Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

April Bostick

be appointed to the Memphis & Shelby County Board of Adjustment with a term expiration date of December 31, 2023.

I have attached biographical information.

Jim Stricklan

Mayor

JSS/sss

Cc: Council Members

MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT 8 Member Board (4) City & (4) County Oath of Office Required 3 Year Terms

Purpose:

The Memphis & Shelby County Board of Adjustment hears appeals from the administration of zoning laws adopted pursuant to the enabling legislation allowing the control of land uses.

| Vacancy- (City) | F/B | 12-31-20 |
|------------------------|-----|----------|
| Vacancy - (City) | M/B | 12-31-20 |
| Baker, Mary (City) | M/W | 12-31-23 |
| Rainey, Timothy (City) | M/W | 12-31-23 |

Updated 11/05/22



JIM STRICKLAND Mayor

November 8, 2022

The Honorable Michalyn Easter-Thomas, Chairman Personnel, Government Affairs, and Annexation Committee City Hall - Room 514 Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

T. Kevin Bruce

be appointed to the Memphis & Shelby County Board of Adjustment with a term expiration date of December 31, 2023.

I have attached biographical information.

JSS/sss

Cc: Council Members

MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT 8 Member Board (4) City & (4) County Oath of Office Required 3 Year Terms

Purpose:

The Memphis & Shelby County Board of Adjustment hears appeals from the administration of zoning laws adopted pursuant to the enabling legislation allowing the control of land uses.

| Vacancy- (City) | F/B | 12-31-20 |
|------------------------|-----|----------|
| Vacancy - (City) | M/B | 12-31-20 |
| Baker, Mary (City) | M/W | 12-31-23 |
| Rainey, Timothy (City) | M/W | 12-31-23 |

Updated 11/05/22

JOINT RESOLUTION OF THE MEMPHIS CITY COUNCIL AND SHELBY COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF THE MORE FOR MEMPHIS INITIATIVE STRATEGIC PLAN

WHEREAS, the overall poverty rate has reached almost twenty-five (25%) percent and the social and economic mobility refers to the ability of a person or a family to improve the economic standard of living over time; and

WHEREAS, for a family of four (4) the social and economic stability may not improve over time with data in the City of Memphis demonstrating the likelihood of a child living in poverty moving from the lowest to the highest economic quintile is less than three (3%) percent; and

WHEREAS, a persistent low social and economic mobility rate shall result in persistent concentrated poverty and the quality of education, health, housing, and job opportunities are important factors impacting economic mobility; and

WHEREAS, a strategic planning process funded by national philanthropies to address the most important factors that impact social and economic mobility rates are being funded by Blue Meridian Partners and being led by the grantee of Blue Meridian Partners, Seeding Success as project managers, and

WHEREAS, funding and sustaining a strategic plan to address the social and economic mobility may have an impact on the economic growth of the citizens of the City of Memphis and the intent is to have the More For Memphis Strategic Plan considered by the Memphis City Council when certain conditions are met:

- project management team has established a schedule with the Chairs of the Memphis City Council and Shelby County Board of Commissioners to provide regular updates to the legislative bodies between now and the proposed completion of the plan; and
- project management team has provided the Chair membership with written updates, presentations, materials, and a calendar of events for residents of the City of Memphis to participate in the strategic planning process.
- project management team, in consultation with the Memphis City Council and Shelby County Board of Commissioners Chairmen, will establish a series of community engagement opportunities including, but not limited to, supporting Council town halls, focus group on Sports Tourism; and conversations, and facilitated work sessions to support the development of the strategic plan; and

- project management team has worked in consultation with the Memphis City Council and Shelby County Board of Commissioners Chairs and the Budget Committee Chairs to conduct a full fiscal analysis of city's budget, revenue sources, and growth to determine fiscally responsible measures by which to implement the strategic plan in the short and long term; and
- project management team has developed a community engagement framework that includes capacity building for neighborhood leaders and ownership and access to data to drive outcomes and accountability; and
- project management team, in consultation with community leaders and elected officials, has defined neighborhood boundaries and assets in the City of Memphis and identified how the plan will improve and allocate resources to neighborhoods over four (4) year intervals of time; and
- project management team has identified how it will lower barriers to participation in the process, including through use of technology and data, as well as created a plan for future data collection and sharing for sustainability.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Memphis City Council supports the More for Memphis Strategic Plan to address the social and economic stability rates for the social, economic, and general welfare of the citizens of Memphis.

Sponsored by:

Councilwoman Easter-Thomas, District 7

ATTEST:

RESOLUTION REQUESTING THE DIRECTOR OF HUMAN RESOURCES OFFER A TRAUMA-INFORMED CARE (TIC) TRAINING COURSE FOR ALL CITIZEN FACING EMPLOYEES OF THE CITY OF MEMPHIS

WHEREAS, The City of Memphis has been experiencing increasing incidents of violence, disrespect for legal authority, and moral decay by juveniles and adults for more than a decade; and

WHEREAS, an article in the *International Journal of Mental Health Nursing* reports social isolation brought on by the COVID-19 pandemic "exacerbates personal and collective vulnerabilities while limiting accessible and familiar support options"; and the city employees are not immune to violence or its burdensome after-effects, including trauma; and

WHEREAS, this body finds it essential City employees partake in an annual trauma-informed training course. Trauma-informed describes an approach recognizing the pervasiveness and impact of trauma on survivors, staff, organizations, and communities, and ensures this understanding is incorporated into every aspect of an organization's administration, culture, environment, and service delivery. A trauma-informed organization actively works to decrease traumatization and support resilience, healing, and well-being. Additionally, trauma-informed organizations recognize ongoing and historical experiences of discrimination and oppression, and are committed to changing the conditions contributing to the existence of abuse and violence in people's lives; and

WHEREAS, a trauma-informed approach involves providing access to a range of healing modalities and practices, and creating community partnerships to ensure survivors and their children have access to trauma, mental health, and substance use services. Trauma informed organizations support survivors to feel more connected and empowered as they prepare for situations that are potentially retraumatizing. A trauma-informed approach fosters an awareness of what we, as service providers, bring to our interactions, including our own experiences of trauma as well as the ways we are affected when we are truly open to the experiences of other people; and

WHEREAS, this body requests the Director of Human Resources offers City employees a Trauma-Informed training course which would put the City in the position of providing increased access to behavioral and mental health services, effective community collaboration, an increased feeling of physical, social, and emotional safety among employees, and positive and culturally responsive policies and practices that increase workplace connectedness; and

NOW THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, this body requests the administration to include in the FY24 Operating Budget \$200,000.00 for the Human Resources Department of the City of Memphis to implement and complete Trauma-Informed Care (TIC) Training for all citizen-facing employees of the City of Memphis.

| Sponsored by: | ATTEST |
|---------------|--------|
|---------------|--------|

Councilwoman Easter-Thomas, **District 7**Councilwoman Logan, **District 1**

Resolution Establishing a Park Restoration Fund and Reallocating and Reappropriating \$500,000 from the FY23 CIP

WHEREAS, the City of Memphis has made a significant investment in the restoration of Tom Lee Park, an invaluable public park and riverfront asset (the "Park"); and

WHEREAS, a newly renovated park and its amenities, particularly young growth vegetation and infrastructure, are most vulnerable to damage in the first two years of its renovation; and

WHEREAS, the Park has been the home to a world famous festival, Memphis in May (the "Festival"), which brings thousands of people to the Park, and it is anticipated that Memphis in May will be held at the Park in years 2023 and 2024; and

WHEREAS, the newly improved Park will require a modified/new approach to Festival operations, as Park and Festival operators figure out how to "load-in" and integrate a festival into a reconfigured Park with more "damageable" amenities; and

WHEREAS, the City desires to mitigate risk to the vegetation and physical infrastructure, and also to minimize financial risk to both the Park and Festival operator; and

WHEREAS, the Memphis City Council, through the FY23 budget, allocated \$5.5M for the purposes of improvements to Mud Island; and

WHEREAS, uses for the \$5.5M allocated to Mud Island have yet to be identified; and

WHEREAS, the City of Memphis proposes to establish a \$500,000 Park Restoration Fund ("Fund") that will be used to cover expenses to repair or mitigate damage resulting from the Festival for the first two years following the renovation, to operate as follows:

- a. The source of funds will be \$500,000 of the \$5.5M of FY23 CIP funds that were appropriated for the renovation of Mud Island.
- b. The City will assign \$350,000 of the restoration fund to year 1 (2023), and \$150,000 of the restoration to year 2 (2024).
- c. The Fund money will be the first dollars used to restore the Park from any Festival damage in 2023 and 2024.
- d. The Festival operator will be required to submit a damage deposit each year in the amount of \$250,000, to cover the costs of repairs in excess of the amount provided for annually in the Fund, but if costs to repair damage resulting from the Festival do not exceed the amount of the City's Fund balance for either of the first two years, then none of the Festival operator's damage deposit will be drawn upon to correct the damage.
- e. The use of the Funds is permissive, and the City of Memphis will have sole discretion to approve payment of restoration funds for damage incurred by the Festival, and may, at its sole discretion, exclude any damage caused by willful/wanton destruction of property, or damage incurred due to gross negligence of the Festival operator. In the event the City does not distribute all of the money from the Fund in any given year for these

- reasons, the deposit from the Festival Operator should be used to cover the cost of repairs.
- f. Should damages exceed the annual contribution by the City, plus the damage deposit by the Festival operator, the Memphis River Parks Partnership shall fund the balance of the restoration.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Chief Financial Officer shall create a "Park Restoration Fund," to be funded by allocating and appropriating \$500,000 from the FY23 CIP budget from Mud Island; and the funds from the Park Restoration Fund shall be distributed consistent with the manner described herein.

Sponsor:

Chair Martavius Jones Councilman Chase Carlisle City Administration